

"It makes a big difference in terms of who's serving on this commission, where their heart is, what their intellectual level is," he said.

LaTonga Malone-Smith, executive director of the Human Service Chamber of Franklin County, submitted written testimony in support, saying the proposed Family Stability Commission would produce recommendations to help save money in safety net services and improve the lives of Ohioans.

"We appreciate the breadth and depth of knowledge represented in the language designating Commission appointees, and offer three more areas of expertise for inclusion: housing, behavioral health, and New Americans," she said. "Our membership believes that a stable family cannot exist without stable housing. Additionally, there is a behavioral and mental health crisis in our state that cannot be ignored when considering policy around family and community resources."

"Finally, it is critical that we take into account the unique challenges faced by our growing number of immigrant and refugee families as they seek to become part of Ohio's communities," she added.

**SB 308 CHILD SUPPORT (Coley, B.)** To amend the child support laws. (REPORTED; 3rd Hearing-All testimony-Possible vote)

Narka Gray, assistant director of Butler County Child Support Enforcement Agency, said in written testimony the bill would fine-tune administrative processes to help them be more efficient.

"SB308 makes needed and necessary tweaks to the administrative processes that will help us provide better services to families," she said.

Susan Brown, director of the Franklin County CSEA, said the bill would standardize appeal timeframes and other processes from county to county, allowing all entities to run more efficiently.

"In a Metro County such as Franklin, we rely heavily on our strong administrative processes to provide efficient, cost-free services to families, as it can take six or more months to get a hearing scheduled before our courts, while we can process an order administratively within 3 month," she said.

Deborah Forkas, deputy director of child support for Stark County Job and Family Services, said her child support program has fewer staff than it did 15 years ago, and relies on efficient processes in order to work in a timely manner.

"The fine-tuning of these administrative processes will be very beneficial to our county, and will improve consistency statewide," she said.

#### Judiciary

**HB PUBLIC INDECENCY (Schaffer, T.)** To require an offender who knowingly commits the offense of public **106** indecency under certain circumstances involving conduct likely to be viewed by minors to register as a Tier I sex offender/child-victim offender. (REPORTED-SUBSTITUTE (No testimony); 4th Hearing-All testimony-Possible amendments, substitute & vote)

The substitute version of the bill removes a section that applies to minors residing in a person's home and replaces it with "another person who is in the person's physical proximity."

Another change adds a Tier I sex offender registry requirement for those that expose themselves for the purpose of sexual gratification.

**HB HUMAN TRAFFICKING (Hall, D., Dever, J.)** To expand the list of human trafficking-related convictions **268** and delinquency adjudications that may be expunged, to increase the penalties for compelling prostitution and promoting prostitution, and to authorize intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution. (REPORTED-AMENDED (No testimony); 5th Hearing-Possible amendments & vote)

The bill was amended to require a court to consider each offense separately in the expungement process, to allow the court to expunge dismissed complaints and indictments and to exclude from expungement non-sealable offenses.

**HB JUVENILE HEARINGS (Reece, A.)** To require restraints to be removed from an alleged or adjudicated **363** delinquent child prior to the commencement of a juvenile court hearing or proceeding unless the court determines that the use of restraints is necessary to prevent physical harm to the child or another person or to prevent the child from escaping. (**REPORTED (No testimony)**; 3rd Hearing-All testimony-Possible vote)

**HB MEDICAL CLAIMS (Cupp, R.)** To grant qualified civil immunity to certain medical providers who **559** provide emergency medical services as a result of a disaster or mass hazard; to provide that certain communications made regarding an unanticipated outcome of medical care, the development or implementation of standards under federal laws, and an insurer's reimbursement policies on health care are inadmissible as evidence in a medical claim; to provide that medical bills itemizing charges are inadmissible as evidence and a payment for medical services accepted by a defendant from an insurer is admissible as evidence of the reasonableness of the charges; to specify the manner of sending a notice of intent to file a medical claim and provide a procedure for the discovery of other potential claims within a specified period after the filing of a medical claim; to provide that any loss of a chance of recovery or survival by itself is not an injury, death, or loss for which damages may be recovered; to provide civil immunity to certain medical providers regarding the discharge of a patient with a mental condition that threatens the safety of the patient or others; to require that governmental agencies that receive peer review committee records maintain their confidentiality; and to clarify the definition of "medical claim." (**CONTINUED (See separate story)**; 2nd Hearing-All testimony)

**SB REAL PROPERTY (Seitz, B., Skindell, M.)** To create a presumption of validity of recorded real property **257** instruments, reduce the time period for curing certain defects related to those instruments, and provide constructive notice for those instruments. (**REPORTED (No testimony) On House calendar for Wednesday, December 7**; 2nd Hearing-All testimony-Possible amendments & vote)

**SB PERRY COUNTY COURTS (Hottinger, J.)** To create the Perry County Municipal Court in New Lexington **299** on January 1, 2017, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Perry County County Court on that date, to designate the Perry County Clerk of Courts as the clerk of the Perry County Municipal Court, and to provide for the election for the Perry County Municipal Court of one full-time judge in 2017. (**REPORTED (No testimony)**; 3rd Hearing-All testimony-Possible vote)

**Subscriber's note:** Full testimony is available on the [committee's website](#) under Dec. 6.

State Government

**SB MILITARY FIREARMS (Uecker, J., Gardner, R.)** To specify that an active duty member of the U.S. **199** Armed Forces: (1) does not need a concealed handgun license to carry a handgun concealed if the member is carrying valid military identification and a certificate indicating successful small arms qualification; and (2) may be sold or furnished a handgun if the member has received military or equivalent small arms training. (**REPORTED-AMENDED (See separate story) On House calendar for Wednesday, December 7**; 5th Hearing-All testimony-Possible amendments & vote)

**HCR CONSTITUTIONAL AMENDMENT (Conditt, M., Patmon, B.)** To urge Congress to propose the **37** Regulation Freedom Amendment to the Constitution of the United States. (**CONTINUED**; 1st Hearing-Sponsor)

Reps. Patmon and Conditt explained the intent of this nonbinding resolution, which would urge Congress to adopt the Regulation Freedom Amendment. The amendment would require a majority vote from Congress for the adoption of new federal regulation if one quarter of either chamber opposes the new regulation.

"Currently, any new federal regulation proposed by the administration does not require the approval of Congress," Rep. Condit said. "Today's federal regulators have the ability to write regulations to interpret laws that were never approved by Congress. It also has the ability to tax and spend without the consent of Congress."

Rep. Patmon said state pressure has worked in the past, helping force Congress to propose the Bill of Rights, and the 17th and 22nd amendments.


"Article V is a tool that our forefathers gave us to hold Congress accountable," he said. "Just as we need to keep Congress accountable, Congress needs to hold the administration accountable."

**Subscribers Note:** For full testimony, visit the [committee's website](#) under Dec. 6.

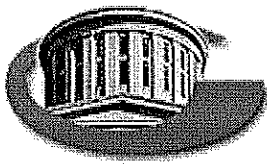
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## Daily Activity Planner for Wednesday, December 7

### Legislative Committees

**House Finance** (Committee Record) (Chr. Smith, R., 466-1366), Rm. 313, 8:30 a.m.

**SB PROPERTY TAXES** (Beagle, B., Coley, B.) To exempt from property tax the increased value of property on which industrial or commercial development is planned until the completion of new commercial or industrial facilities at the property. (6th Hearing-All testimony-Possible amendments & vote)

**SB PET STORES** (Peterson, B.) To regulate the sale of dogs from pet stores and dog retailers and to require the Director of Agriculture to license pet stores. (4th Hearing-All testimony-Possible amendments & vote)

**Senate Agriculture** (Committee Record) (Chr. Hite, C., 466-8150), North Hearing Rm., 8:45 a.m.

**HB ALCOHOL SAMPLES** (Blessing, L.) To allow certain D liquor permit holders to provide free tasting samples of beer, wine, and spirituous liquor to a person who is 21 years old or older and a paying customer of the permit holder. (2nd Hearing-All testimony-Possible amendments & vote)

**HB MONTH DESIGNATION** (Johnson, T., Huffman, S.) To designate the month of November as "One Health Awareness Month." (1st Hearing-All testimony-Possible amendments & vote)

**Senate Government Oversight & Reform** (Committee Record) (Chr. Coley, B., 466-8072), Finance Hearing Rm., 8:45 a.m.

**HC EDUCATION ACT** (McColley, R.) To urge the United States Congress to pass the ADA Education and Reform Act of 2015. (2nd Hearing-All testimony-Possible vote)

**HB STATE CONTRACTING** (Schuring, K.) To prohibit a state agency from contracting with a company that is boycotting Israel or disinvesting from Israel. (2nd Hearing-All testimony-Possible amendments & vote)

**HB HEALTH CARE COMPACT** (Retherford, W., Boose, T.) To enter into the Health Care Compact. (3rd Hearing-All testimony-Possible amendments & vote)

**HB CIVIL FORFEITURES** (McColley, R., Brinkman, T.) To modify the laws governing criminal and civil asset forfeitures, to revise the procedures upon a writ of execution of goods claimed by a person other than the defendant, and to establish the offense of receiving proceeds of a drug abuse, theft, or human trafficking offense and permit the state to file a civil action against the person who allegedly committed that offense under certain circumstances. (5th Hearing-No testimony-Possible amendments & vote)

**HB FIREARMS** (Maag, R.) To extend to handguns affirmative defenses to a charge of carrying a concealed weapon or having or transporting a firearm in a motor vehicle, and to modify the prohibition against carrying a concealed handgun onto institutions of higher education, places of worship, day-care facilities, aircraft, certain government facilities, public areas of airport terminals and police stations, and school safety zones. (5th Hearing-No testimony-Possible amendments & vote)

**HB COMMISSION ELIMINATION** (Brown, T.) To formally abolish certain boards and commissions that have completed their work and to abolish the Compact with Ohio Cities Task Force. (5th Hearing-No testimony-Possible amendments & vote)

~~Canceled: **House Financial Institutions, Housing & Urban Development** (Committee Record) (Chr. Dever, J., 466-8120), Rm. 018, 9 a.m.~~

**SB BANKING LAWS** (Hughes, J., Coley, B.) For the purpose of enacting a new banking law for the State of **317** Ohio. (2nd Hearing-All testimony-Possible vote)

**House Rules & Reference** (Committee Record) (Chr. Amstutz, R., 466-1474), Rm. 119, 9:30 a.m.

**House Education** (Committee Record) (Chr. Brenner, A., 466-6711), Rm. 121, 9:30 a.m.

**SB EDUCATION LAWS** (Hite, C., Faber, K.) To exempt high-performing school districts from certain laws; to **3** revise the law regarding the administration of state primary and secondary education assessments; to permit school districts to contract with hospitals, health care professionals, and educational service centers for school health services; to revise the competitive bidding threshold for school building and repair contracts; and to require the School Facilities Commission to develop a legislative proposal assisting high-performing school districts in purchasing technology, building expansion, and physical alterations to improve school safety or security. (6th Hearing-Possible amendments & vote)

**HB ACADEMIC DISTRESS COMMISSIONS** (Lepore-Hagan, M.) To the operation of academic distress **379** commissions and to modify the earmarked funding for the establishment of academic distress commissions. (1st Hearing-Sponsor)

**HB MILITARY STUDENTS** (Boccieri, J.) To enact the "Student to Soldiers Support Act (S3A)" regarding the **496** participation of students who are serving in the uniformed services in extracurricular activities at public and nonpublic schools and public and private colleges. (1st Hearing-Sponsor)

~~Canceled: **Senate Ways & Means** (Committee Record) (Chr. Peterson, B., 466-8156), South Hearing Rm., 9:30 a.m.~~

**House Health & Aging** (Committee Record) (Chr. Gonzales, A., 466-4847), Rm. 116, 10 a.m.

**SB AWARENESS DAY** (Jones, S.) To designate May 1 as "Fanconi Anemia Awareness Day." (1st Hearing-All **312** testimony-Possible amendments & vote)

**SB FLU VACCINE** (Patton, T.) To require the Ohio Department of Health to prepare an influenza vaccine **311** information sheet pertaining to older adults. (1st Hearing-All testimony-Possible vote)

**HB CONTRACEPTION COVERAGE** (Lepore-Hagan, M., Bishoff, H.) Regarding coverage for prescription **132** contraceptive drugs and devices, the provision of certain hospital and pregnancy prevention services for victims of sexual assault, and comprehensive sexual health and sexually transmitted infection education in schools. (1st Hearing-Sponsor)

**HB STUDENT IMMUNIZATIONS** (Ramos, D.) To make changes to the law governing immunizations for **564** pupils. (1st Hearing-Sponsor)

**House Government Accountability & Oversight** (Committee Record) (Chr. Blessing, L., 466-9091), Rm. 122, 10 a.m.

**SB CAMPAIGN FINANCE REPORTS** (LaRose, F.) To require certain campaign committees and other **206** entities to file campaign finance statements electronically and to require the Secretary of State to make the information in those statements available online. (3rd Hearing-All testimony-Possible amendments & vote)

**SB CORPORATE GOVERNANCE** (Bacon, K.) To enact the Corporate Governance Annual Disclosure Act. **273** (4th Hearing-All testimony-Possible amendments & vote)

**HB JOBS OHIO** (Johnson, G., Smith, K.) To allow the Auditor of State to conduct full audits of JobsOhio, to **506** require all nonprofit economic development corporations that receive public funds to make annual disclosures related to both their public and private funds, and to require that JobsOhio submit a quarterly progress report detailing all of its active projects. (1st Hearing-Sponsor)

**HCR PETE ROSE** (Kuhns, C., Sheehy, M.) To urge the Commissioner of Major League Baseball to remove **15** Peter Edward "Pete" Rose from Major League Baseball's permanently ineligible list as soon as possible and to urge the Baseball Writers' Association of America and the National Baseball Hall of Fame to include Rose on the Hall of Fame ballot. (1st Hearing-Sponsor)

**HB PUCO MEMBERSHIP** (Leland, D.) To require that each major political party be represented on the **122** Public Utilities Commission, to specify that not more than three commissioners may belong to or be affiliated with the same major political party, and to require that Public Utilities Commission Nominating

Council lists of nominees include individuals who, if selected, ensure that each major political party is represented on the Commission. (1st Hearing-Sponsor)

**HB STATE INSTITUTIONS** (Lepore-Hagan, M., Gerberry, R.) To establish provisions regarding the possible closing, sale, or privatization of state institutional facilities. (1st Hearing-Sponsor)

**HB HEARING BROADCASTS** (Retherford, W., Ramos, D.) To require the Ohio Government Telecommunications service to broadcast all standing committee meetings of the Ohio House of Representatives as they occur. (1st Hearing-Sponsor)

~~Canceled: **House Insurance** (Committee Record) (Chr. Brinkman, T., 644-6886), Rm. 017, 10 a.m.~~

**SBFIREFIGHTER CANCER** (Patton, T.) To provide that a firefighter who is disabled as a result of specified types of cancer is presumed for purposes of the laws governing workers' compensation and the Ohio Police and Fire Pension Fund to have incurred the cancer while performing official duties as a firefighter. (5th Hearing-All testimony-Possible amendments, substitute & vote)

**Senate Transportation, Commerce & Labor** (Committee Record) (Chr. LaRose, E., 466-4823), North Hearing Rm., 10:15 a.m.

**HBBOARDING SCHOOL ZONE** (Patterson, J., Roegner, K.) To authorize a municipal corporation or township to establish a boarding school zone and a special speed limit within that zone. (5th Hearing-All testimony-Possible amendments & vote)

**SB ROOFING CONTRACTORS** (Patton, T.) To require commercial roofing contractors to have a license. (4th Hearing-All testimony-Possible amendments & vote)

**House Community & Family Advancement** (Committee Record) (Chr. Ginter, T., 466-8022), Rm. 114, 11 a.m.

**SB ABORTION** (Lehner, P., Hottinger, J.) To prohibit the performance of an abortion on a pregnant woman when the probable post-fertilization age of the unborn child is twenty weeks or greater. (4th Hearing-Possible amendments & vote)

**HBFOSTER CARE** (Boyd, J., Rezabek, J.) To provide foster care maintenance payments for children in the care of a kinship caregiver without requiring the caregiver to be certified to provide foster care and to require, rather than permit, the creation of the statewide program of kinship care navigators. (2nd Hearing-All testimony)

**HBABORTION** (Celebrezze, N., Johnson, G.) To permit using state resources to provide abortion care. (1st Hearing-All testimony)

**HBABORTION WAITING PERIOD** (Johnson, G., Smith, K.) To remove waiting-period restrictions on when a woman can obtain an abortion and to repeal requirements governing the provision of notice to a woman's relative, custodian, or guardian, if the woman is seeking an abortion and is pregnant, unmarried, a minor, and unemancipated. (1st Hearing-All testimony)

**HBAMBULATORY FACILITIES** (Clyde, K., Fedor, T.) To eliminate the requirement for a written transfer agreement or variance for ambulatory surgical facilities. (1st Hearing-All testimony)

**HB PREGNANCY PROGRAM** (Boyd, J., Sykes, E.) To require entities funded through the Ohio Parenting and Pregnancy Program to provide only medically accurate information. (1st Hearing-All testimony)

**HB PAY DISPARITY** (Drieaus, D., Howse, S.) To create the Gender Pay Disparity Task Force. (1st Hearing-All testimony)

**Senate Rules & Reference** (Committee Record) (Chr. Faber, K., 466-7584), Majority Conf. Rm., 11 a.m.

**Senate Civil Justice** (Committee Record) (Chr. Bacon, K., 466-8064), Finance Hearing Rm., 11 a.m.

**HB PROTECTION ORDERS** (Boose, T.) To provide that an individual's statutory priority to decide whether or not to withhold or withdraw life-sustaining treatment for the individual's relative is forfeited if the individual is the subject of a temporary protection order or civil protection order and the relative is the alleged victim or if the individual and the relative are married and the parties to a divorce, dissolution, legal separation, or annulment proceeding. (3rd Hearing-All testimony-Possible amendments & vote)

**HB MORTGAGE FORECLOSURES** (Dever, J.) To establish expedited actions to foreclose mortgages on **463** vacant and abandoned residential properties, to permit private selling officers to conduct judicial and execution sales of real property, to state the intent of the General Assembly regarding mortgage foreclosure actions, to revise the Commercial Paper Law relating to mortgages and lost instruments, and to make other changes relative to foreclosure actions. (3rd Hearing-All testimony-Possible amendments & vote)

**HB CCW LICENSES** (Terhar, L.) To waive the concealed carry license fee for active members of the armed **235** forces and retired and honorably discharged veterans and to accept military experience with firearms as proof of competency with firearms regardless of when the applicant for a license acquired the experience. (5th Hearing-All testimony-Possible amendments & vote)

**HB CHILD ABUSE REPORTING** (Pelanda, D., Grossman, C.) To require mandatory reporters of child abuse **63** or neglect to notify the county public children services agency when an attorney in fact under a document that purports to grant parental rights requests services from them, to require the agency to investigate the child's placement with the attorney in fact, and to require the agency to file a dependency complaint if it determines that the placement is unsafe for the child. (3rd Hearing-All testimony-Possible amendments & vote)

**Senate Criminal Justice** (Committee Record) (Chr. Eklund, J., 644-7718), North Hearing Rm., 11:15 a.m.

**HB OVERDOSE DEATHS** (Dever, J., Pelanda, D.) To provide that causing the death of another person by an **270** overdose that results from the offender's sale, distribution, dispensation, or administration of a controlled substance or controlled substance analog is a violation of the offense of involuntary manslaughter and to make this provision a strict liability offense. (2nd Hearing-All testimony-Possible amendments & vote)

**HB DOMESTIC VIOLENCE** (Sykes, E., Kuhns, C.) To authorize the issuance of dating violence protection **392** orders with respect to conduct directed at a petitioner alleging dating violence, to provide access to domestic violence shelters for victims of dating violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that a petitioner alleging dating violence has the right to petition for a civil protection order. (2nd Hearing-All testimony)

**HB PAROLE ELIGIBILITY** (Manning, N.) To provide special parole eligibility dates for persons with an **521** indefinite or life sentence imposed for an offense committed when the person was less than 18 years of age, to require the Parole Board to consider specified mitigating factors in those cases, and to require notice to the Ohio Public Defender and prosecuting attorney prior to the parole consideration hearing. (3rd Hearing-All testimony-Possible amendments)

**HB VOYEURISM** (Anielski, M.) To include an impaired person as a victim of voyeurism and to include **439** conduct involving an impaired person within the offenses of pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, and illegal use of a minor in a nudity-oriented material or performance. (3rd Hearing-All testimony-Possible amendments & vote)

**HB CRIMINAL RECORDS** (Barnes, J.) To enact the Fair and Accurate Reporting of Criminal Records Law, to **172** require certain business entities that publish criminal record information to ensure that the information is complete and accurate, to provide a procedure by which a subject of published criminal record information may have incomplete or inaccurate information corrected or removed from the publication, and to provide remedies for the failure of a business entity to remove or correct incomplete or inaccurate information. (2nd Hearing-All testimony-Possible amendments & vote)

**HB IMPORTUNING** (Schaffer, T., Smith, K.) To amend the penalties for the offense of importuning. (4th **405** Hearing-All testimony-Possible amendments & vote)

**SB SEXUAL IMPOSITION** (Hughes, J.) To increase the penalty for sexual imposition when the offender **316** previously has been convicted of or pleaded guilty to three or more violations of sexual imposition or other specified sex offenses. (3rd Hearing-All testimony-Possible amendments & vote)

**Senate Medicaid** (Committee Record) (Chr. Burke, D., 466-8049), Grant Hearing Rm., 11:30 a.m.

**SB STEP THERAPY** (Lehner, P., Tavares, C.) To adopt requirements related to step therapy protocols **243** implemented by health plan issuers and the Department of Medicaid. (3rd Hearing-All testimony)

**Senate State & Local Government** (Committee Record) (Chr. Uecker, J., 466-8082), South Hearing Rm., 1 p.m.

**HBTRAFFIC ARRESTS** (Hambley, S., Rezabek, J.) To authorize law enforcement officers of township police districts and joint police districts, and township constables, serving specified small populations to make arrests for motor vehicle-related violations committed on an interstate highway in the same manner as township law enforcement officers serving larger populations. (1st Hearing-All testimony-Possible amendments & vote)

**HBRETIREMENT SYSTEMS** (Schuring, K., Ramos, D.) To revise the law governing the state's public retirement systems. (2nd Hearing-All testimony-Possible amendments & vote)

**House Session** (Chr. Rosenberger, C., 466-3357), House Chamber, 1:30 p.m.

**Senate Session** (Chr. Faber, K., 466-4900), Senate Chamber, 1:30 p.m.

**Senate Energy & Natural Resources** (Committee Record) (Chr. Balderson, T., 466-8076), South Hearing Rm., 4 p.m. or after session

- Confirmation hearing on governor's appointment of Cynthia Hafner, Environmental Review Appeals Commission

**SCRHOPEWELL EARTHWORKS** (Hottinger, J., Peterson, B.) To express support for the nomination of the 16 Hopewell Ceremonial Earthworks as a United Nations Educational, Scientific, and Cultural Organization (UNESCO) World Heritage Site. (3rd Hearing-Possible vote)

**SR LAKE ERIE** (Brown, E.) To encourage support for the agreement reached between Ontario, Michigan, 256 and Ohio regarding the reduction of phosphorous in the western basin of Lake Erie. (1st Hearing-Sponsor)

**HB RENEWABLE ENERGY** (Amstutz, R.) To revise the requirements for renewable energy, energy 554 efficiency savings, and peak demand reduction and to revise provisions governing which customers can opt out of related programs. (1st Hearing-Sponsor & proponent-Pending referral)

Agency Calendar

**Ethics Commission**, 30 West Spring Street, Meeting Room 3, 3rd Fl., Columbus, 11:30 a.m.

**BWC Pharmacy & Therapeutics Committee**, 30 W. Spring St., Room 2 on Level 2, Columbus, 1:30 p.m.

**Public Utilities Commission of Ohio**, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

Event Planner

**Public memorial service honoring the life and service of George V. Voinovich**, Statehouse Atrium, Columbus, 5 p.m.

**Ohio Alliance of Boys & Girls Clubs Public Officials Reception**, Capital Club-LeBistro Room, 41 S. High Street, Columbus, 5:30 p.m.

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# GONGWER Ohio

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## Senate, House Approve 'Heartbeat' Abortion Limit

Abortions in Ohio would be prohibited if a fetal heartbeat is detected under controversial legislation that the Senate and House sent to Gov. John Kasich on Tuesday.

A measure initially intended to update laws regarding child abuse and neglect (HB 493) was amended on the Senate floor with the so-called "heartbeat bill" language. Following a short but spirited debate, the bill cleared the Senate by a 21-10 vote, and the House late Tuesday night concurred with the changes by a 56-39 vote, moving the issue to the governor's desk.

The measure includes an appropriation, which would allow the governor to use his line-item veto authority.

Gov. Kasich's office declined to comment on whether he will sign the measure.

Sen. Kris Jordan (R-Ostrander) offered the abortion-related language on the Senate floor, telling colleagues that lawmakers need to do more to support pro-life policies. "It's the right thing to do," he said. "Lives are literally on the chopping blocks."

Sen. Capri Cafaro (D-Hubbard) opposed the change, and lamented that the issue was being brought during the final hours of her legislative tenure.

"I believe it's not government's place to make these kinds of decisions for women," she said. "We have no way of anticipating the reasons why women....come to the decisions that they make about their body to terminate their pregnancy."

"There is a time and a place for government. This is not one of them," she added after alluding to the GOP's purported "small government" bent.

Sen. Charleta B. Tavares (D-Columbus) said the amendment forces many members to vote against a measure that they would have otherwise supported. Backers of that plan, she said, are being "punched in the face" because the language was added.

"It hurts my heart that I'm going to have to vote against a bill that was intended to do good," she said.

Senate Minority Leader Joe Schiavoni (D-Boardman) said the amendment deserved to be reviewed in committee, with the public given an opportunity to weigh in.

During session, Democrats sought to table the language and challenged whether the amendment was germane to the bill. They argued that the vote on the amendment was improper because the document wasn't filed with the clerk more than 90 minutes before the scheduled start of session, as required by the chamber's rules.

Republicans countered that the amendment was filed at 12:10 pm, and that session started at 1:41 pm - rather than the scheduled 1:30 pm start time - leaving sufficient time to comply with the rule. Democrats subsequently filed a protest of the action.

Timing was also of the essence in the House, where a committee hearing and possible vote on a separate 20-week abortion ban ([SB 127](#)) was announced by the chairman 20 minutes before the panel's scheduled start time. That bill is also scheduled for a hearing on Wednesday morning.

The amendment passed on a 20-11 vote, with Republican Sens. Gayle Manning of N. Ridgeville, Bill Coley of Liberty Twp. and Bill Seitz of Cincinnati joining Democrats in opposition.

Sens. Manning and Coley were the lone Republicans to vote against the bill.

Senate [President Keith Faber](#) (R-Celina) said the chamber acted on the heartbeat bill - after months of pressure to do so - in part because of a likely change in the composition of the U.S. Supreme Court after Donald Trump's recent election.

Faith2Action, a group led by anti-abortion activist Janet Folger, had run ads targeting members of the Senate GOP caucus over the issue. Ms. Folger also ran unsuccessfully in the Republican primary to unseat Senate President-elect Larry Obhof, with the bill at the center of her campaign.

As for whether the change would withstand a constitutional challenge, Sen. Faber said: "I think it has a better chance than it did before."

Following session, Sen. Schiavoni again raised concerns about the timeline, saying the reading of the rule would allow the Senate president to manipulate the amendment process. "This is the true danger of lame duck."

Either way, he said lawmakers shouldn't be passing bills that will likely force the state to spend resources defending a high-profile lawsuit.

Sen. Tavares also added that she has concerns that the measure includes no exceptions for rape and incest. "For me, it's bastardizing the child abuse and neglect bill," she said.

**House Debate:** The House voted about 10:15 pm to accept the Senate amendment, following about 90 minutes of oftentimes personal debate.

House floor debate was predictably divided, with Republicans saying the measure will protect the state's most vulnerable while Democrats - in the words of [Rep. Kathleen Clyde](#) (D-Kent) - accused lawmakers of launching an "unconstitutional, dangerous attack on Ohio women."

House [Speaker Cliff Rosenberger](#) (R-Clarksville) dismissed criticism of the process by which the language was passed.

"The heartbeat bill's been around for some time so I don't think it hasn't had enough process," Rep. Rosenberger said. "Some people could say it's been around for six years, so it's been heard and heard and heard and so we decided to take it up when the Senate decided to vote it."

He said the chamber also intends to move legislation banning abortion after 20 weeks of age ([SB 127](#)) this week, though he said the chamber isn't eyeing that as a back up plan if the heartbeat bill is overturned by the courts.

[SB 127](#) received a last minute hearing Tuesday and is scheduled for a fourth hearing and possible vote Wednesday.

"I think these bills are important," the speaker said. "I think it's important ensuring we protect a lot of lives here in Ohio."

During the debate, [Rep. Christina Hagan](#) (R-Uniontown) gave an emotional appeal to colleagues for their support, explaining how she and her husband recently miscarried. She said the bill is the latest in the "long, historic march" of civil rights - an idea that drew pushback from lawmakers on the other side of the aisle.

Rep. Teresa Fedor (D-Toledo) responded by referring back to her own rape and abortion, which she first revealed on the House floor during prior discussion on the heartbeat bill.

"You can play your games, you can tell your stories, you can cry on the floor, but you're not dealing with reality - a reality I live with every day," Rep. Fedor said, calling the amendment a "political gimmick" before leaving the floor in frustration.

Rep. Stephanie Howse (D-Cleveland) said she too suffered a miscarriage, but said, "That still does not give me the ability to tell a woman what decision to make."

Rep. Hagan said she took offense at Democratic efforts to "paint" Republicans as being driven by political motives. She described constituents crying to her about the direction the law has taken regarding abortions.

"You're wrong," Rep. Fedor yelled from just off the House floor, prompting acting speaker Rep. Ron Amstutz to call for a return to order.

Many Democrats decried the abbreviated legislative process regarding the heartbeat language. Rep. Greta Johnson (D-Akron) said the court has struck down similar laws in Arkansas and North Dakota.

"We are better than this. We are better than bending the rules to meet our political needs," she said. "The Supreme Court of the United States has affirmed again and again...abortion is a constitutional right."

Rep. Dan Ramos (D-Lorain) said many times a doctor must determine a heartbeat by sticking an instrument inside a woman's body. He argued such a procedure can revictimize rape and incest victims.

But Rep. Kristina Roegner (R-Hudson) said the bill is simply about protecting children. "Today in Ohio we can put an end the most barbaric practice of killing babies while they're in their mother's womb," she said.

**Reaction:** The ACLU of Ohio indicated it would file a suit to challenge the law and NARAL Pro-Choice Ohio Executive Director Kellie Copeland was critical of the move.

"Once a woman has made the decision to end a pregnancy, she needs access to safe, legal healthcare in her community," she said. "This bill would effectively outlaw abortion and criminalize physicians that provide this care to their patients."

"Clearly this bill's supporters are hoping that President-elect Trump will have the chance to pack the U.S. Supreme Court with justices that are poised to overturn Roe vs. Wade. We must prevent that from happening to protect women's lives."

Linda Theis, president of Ohio ProLife Action, said the group is grateful to the house for its vote n the bill.

"We are depending on Governor Kasich to sign H.B. 493 and uphold its Heartbeat protection amendment to save as many as possible of the over 25,000 unborn babies who needlessly die by abortion per year in this state," she said.

### House Narrowly Approves Energy Freeze Bill

A controversial bill revising Ohio's energy standards squeaked through the House - twice - on Tuesday, lining the measure up for consideration by the Senate later this week.

The chamber initially voted 51-36 to approve the bill (HB 554), although Rep. Dorothy Pelanda, who was filling in as speaker, cut off discussion by calling for a vote even as several Democratic members remained standing, signaling their desire to speak to the bill.

After a recess spent in caucus meetings related to the surprise resurrection of the heartbeat bill in the Senate (*See separate story*), the House resumed with members recalling the vote on HB554 to allow further discussion from

Democratic members.

In the end, the measure passed a second time by a safer, though still narrow, margin of 54-41. The bill now heads to the Senate where the Energy & Natural Resources Committee has scheduled hearings Wednesday and Thursday with a vote expected this week.

Although Democrats led the opposition to the bill, some Republicans followed suit. Republicans voting against the bill included Rep. Steven Arndt, Rep. Terry Boose, Rep. Tony Burkley, Rep. Bill Dean, Rep. Mike Duffey, Rep. Cheryl Grossman, Rep. David Hall, and Rep. Bill Reineke.

Sponsoring Rep. Ron Amstutz (R-Wooster) urged colleagues to support the bill, which would reinstate the standards while removing compliance benchmarks for the first three years. (See Gongwer Ohio Report, November 30, 2016)

"By the end of the third year, the hard edge of penalties is in place," Rep. Amstutz said. "So please understand this is not - I repeat not - an extension of the two year freeze."

Rep. Mike Ashford (D-Toledo) disagreed.

"What my colleague said is that this is not the freeze," Rep. Ashford said. "I'm sorry, this is a freeze. You can call it anyway you want. A freeze is a freeze."

He further said there's no guarantee the General Assembly won't pass another freeze in the future and urged lawmakers and the industry to refrain from adopting an "us versus them" approach between renewables and coal.

Rep. Duffey (R-Columbus) visibly broke party ranks, giving a floor speech in which he urged the chamber to reject the bill because it could have a chilling effect on Ohio investment. During committee hearings, renewable energy companies said the bill would be a signal their investment isn't wanted in Ohio.

"Businesses want certainty," Rep. Duffey said, predicting he could face blowback for deviating from the party line. "If they're going to invest in Ohio, they want to know the rules of the road."

Adding that he generally opposes mandates, he said the bill amounts to a "tax hike" that will raise consumer rates and said the state's energy efficiency programs need much more comprehensive change. Placing utilities in charge of energy efficiency programs, he said, is an inherent conflict of interest.

"If you are a conservative, you should not support this bill," he said.

Rep. Kent Smith (D-Euclid) again attempted to amend the bill to localize decision making on wind turbine placement - a move he attempted unsuccessfully when the bill was before the House Public Utilities Committee.

His latest attempt ended similarly, with Republicans tabling the amendment, which Rep. Smith said was crafted on Republicans' own bill (HB 190).

Rep. Dan Ramos (D-Lorain) said the bill could serve to stave off the potential recession Gov. John Kasich forecasted in a House speech earlier that day (*See separate story*). And Minority Leader Fred Strahorn (D-Dayton), who served on the committee that reported the original standards, said they are a clear signal of Ohio's commitment to clean energy.

"We owe Ohioans who need good jobs more than outdated policies that discourage new growth," Rep. Strahorn said.

Environmental advocates and other opponents immediately released statements decrying the vote. They, too, have likened the bill to an extension of the freeze.

"Members of the Ohio House of Representatives had a choice: pass legislation that would help Ohio attract investment and innovation or allow other states to gain a competitive advantage in the clean energy economy," Environmental Defense Fund Midwest Clean Energy Director Dick Munson said. "Unfortunately, policymakers decided on arbitrary measures that will force Ohio to lose out on jobs and economic developments."

Moms Clean Air Force, the National Audubon Society, the National Wildlife Federation, the Natural Resources Defense Council, Ohio Citizen Action, the Ohio Environmental Council and the Sierra Club were among groups criticizing the vote.

Ohio Consumers' Counsel Bruce Weston also expressed concern about the bill, criticizing a provision to permit utilities to bank energy savings.

"The proposed law would cost consumers many millions of dollars in charges for higher utility profits without a corresponding public benefit," Mr. Weston said in a statement. "I am recommending that the Ohio Senate protect consumers by preventing this part of the legislation from becoming law."

### House Advances Stopgap Unemployment Bill After Larger Overhaul Stalls

After more than a year of trying to bring solvency to the state's unemployment compensation system, lawmakers and representatives of both business and labor announced Tuesday a short-term plan to provide additional time to work out a deal.

Under the proposal, which was added to a Senate bill ([SB 235](#)) through a House amendment, a freeze in UC benefits will take effect for a two-year period beginning in 2018 while the taxable wage base on employers will increase from \$9,000 to \$9,500 over the same period.

The compromise will also repeal a tax increase on business in the event that the state is forced to borrow from the federal government to cover the cost of rising unemployment. The provision was contained in another measure ([HB 390](#)) that paid off the state's outstanding debt owed to the federal government from borrowing incurred during the Great Recession.

Rep. Kirk Schuring (R-Canton), who sponsored a more comprehensive bill ([HB 620](#)) that lawmakers had hoped to pass in lame duck, said the agreement between business and labor is a "compromise that will ultimately lead to solvency."

Lawmakers have set an April 1 deadline to achieve that goal.

"I think it makes for a much better atmosphere to move forward," Rep. Schuring said of the stopgap measure.

Business and labor interests are also set to hire an actuary to determine the impact of any plan that comes from negotiations between the two sides.

Both sides struck a conciliatory tone as they pledged to work behind the scenes to reach a long-term agreement.

"To resolve the issue we've both got to give up stuff, and not just a little. The system is so out of whack we've really got to come to make some changes. And that's hard," Eric Burkland, president of the Ohio Manufacturers' Association, said during a Statehouse news conference.

Added Mark Totman, legislative director at International Union of Operating Engineers: "This isn't a battle of labor and business. This is people who work for business. Without business labor is not here, and without labor business isn't here."

Also attending the news conference to announce the compromise was Tim Burga, president of the Ohio AFL-CIO, Chris Ferruso, legislative director of the National Federation of Independent Business Ohio, and Matt Szollosi, executive director of the Affiliated Construction Trades Ohio.

Legislative leaders were hopeful about the possibility of reaching a compromise that brings solvency to the system in a balanced fashion.

"We knew that coming into this process that it would be a heavy lift," House Speaker Cliff Rosenberger (R-Clarksville) said. "It would not be possible to even approach a topic like this without an all-hands-on-deck approach, having every side of the issue willing to come forward and talk, and that's really what we have. I'm very encouraged by it."

Senate President Keith Faber (R-Celina) said after session that conversations are still ongoing, but it appears that a permanent solution will be "elusive" during the lame duck period.

"The proposed deal doesn't get you to solvency but it may be a move in the right direction," he said. "I really challenge my colleagues in the House and Senate to find a permanent solution."

House Minority Leader Fred Strahorn (D-Dayton) applauded the decision to set HB620 aside after labor and other groups assailed it as an imbalanced approach to achieving solvency.

"Going forward, I am optimistic that modernization to our unemployment insurance system will be met with the shared principle that unemployment insurance is a lifeline for families that - through no fault of their own - find themselves temporarily unable to make ends meet. The same families and working people who find themselves out of work due to market and corporate forces should not shoulder a disproportionate share of sacrifice and pain to fix our bankrupt unemployment fund," he said.

Policy Matters Ohio, one of the leading opponents of HB620, cheered the new direction that legislative leaders have decided to take.

"We believe this new approach will make room for creative solutions. It's a victory for all Ohioans, and we congratulate all those who worked to reach this breakthrough," Zach Schiller, the group's research director, said in a statement.

HB620 was the GOP's second legislative attempt to overhaul the UC system this General Assembly. Late in 2015, former Rep. Barbara Sears introduced legislation (HB 394) that drew even more rancor from opponents than the most recent effort.

The former was abruptly pulled from the House Government Accountability & Oversight Committee's agenda Monday, leading to questions about its viability. (See Gongwer Ohio Report, December 5, 2016)

However, Speaker Rosenberger said he had the votes necessary in the lower chamber to pass the measure.

"We don't want to pass something that we can't get everybody on board with," he said.

#### Senate OKs Interlock Devices For First-Time DUI Offenders

First-time DUI offenders could retain unlimited driving privileges if they install ignition interlock devices on their vehicles under legislation that cleared the Senate unanimously on Tuesday.

The measure (HB 388) permits judges to require ignition interlock devices, thereby increasing safety for other motorists, Sen. Bob Peterson (R-Sabina) said.

The vote came during a busy session during which the chamber also approved measures that limit the ability of entities to restrict the display of governmental flags (HB 18) and allow the use of unapproved drugs to treat terminally ill patients (HB 290).

The session also saw the chamber approve separate child abuse legislation (HB 493) after adding a controversial amendment to prohibit abortion after a fetal heartbeat can be detected, usually 5-6 weeks into a pregnancy. (*See separate story*)

Sen. Peterson said the ignition interlock measure was inspired by the family of a southern Ohio woman who was killed in a drunk driving accident.

He said the measure can stop preventable drunk driving deaths and other tragedies before they occur.

Sen. Jay Hottinger (R-Newark) also urged support, saying the state has made progress in regard to drunk driving, but more still needs to be done. He said new technologies -such as interlock devices - have the potential to make Ohio's roads safer.

Senators voted 31-0 for a bill (HB 290) that gives terminally ill patients access to conditionally-approved drugs. Sen. Shannon Jones (R-Springboro) said the measure gives Ohioans a right to try medications that may be close to market, and also includes a level of immunity for physicians who prescribe the pharmaceuticals.

Members also approved bills:

- Revising dog-related laws to target vicious and nuisance situations (SB 151);
- Clarifying that only current members of the General Assembly can serve as members of the Legislative Service Commission (HB 167), and;
- Requiring professional engineers to complete continuing education hours in professional ethics or rules related to engineering and surveying (HB 236).

#### House Passes Bills On Arson, OVI Offenders, More

The House approved a smattering of bills Tuesday - although all were quickly overshadowed by the chamber's late-night approval of legislation containing new abortion-related limits. (*See separate story*)

The House concurred with Senate changes to two other bills with much less controversy. One was an arson bill (HB 185) critics say will privatize state prisons and the other a bill to permitting courts to grant unlimited driving privileges to first-time OVI offenders with ignition interlock devices (HB 388).

The chamber also passed a number of other bills impacting loans, post-conviction relief procedures, and legislative fixes pushed by the attorney general's office.

That's in addition to a narrow vote to approve a measure to revise the state's renewable energy and energy efficiency standards (HB 554), which now heads to the Senate. (*See separate story*)

The chamber saw party-line disagreement over Senate changes to the arson bill, which was originally aimed at eliminating the lack of a property owner's consent as an element of arson of an abandoned property.

Senators added the controversial language during committee meetings last week, prompting Democratic senators to criticize the bill. (*See Gongwer Ohio Report, December 1, 2016*)

Like their Senate counterparts, House Democrats opposed the change, though the chamber ultimately concurred by a 60-28 vote.

Rep. Greta Johnson (D-Akron) rose to object to the new version of the bill, which she contended violates the single subject rule.

Saying the state's prison population is already too large, she said, "The privatization of these prisons is not the answer."

The OVI bill faced much less criticism, sailing through by a 91-0 vote.

Other measures also met easy approval, with the chamber passing a bill (HB 598) from Rep. Louis Terhar (R-Cincinnati) that would create the Ohio Consumer Installment Loan Act by a 79-2 margin.

"If you accept the premise our job as legislators is to give our constituents the greatest choice in financial vehicles...I hope you accept the premise we should go back to a code that allows each type of financial vehicle to be separately and distinctly regulated and controlled," Rep. Terhar said. "That's what this bill does."

Other noncontroversial bills included a bill from Rep. Terhar and Rep. Tom Brinkman (R-Cincinnati) to specify a National Guard scholarship recipient who fails to complete terms due to armed forces service is not liable for repayment (HB 464), which passed 86-0.

A second bill (SB 227), which includes an array of cleanup language proposed by Attorney General Mike DeWine, passed 80-0.

The chamber did amend the bill with a corrective amendment from the Legislative Service Commission offered by Rep. Steve Hambley (R-Medina). The amendment too was adopted by an 80-0 vote.

A bill (SB 139) to modify several post-conviction relief procedures also passed unanimously 87-0.

Property Tax Measure Loaded Up With Numerous Amendments; Pet Store Bill Gets More Local Control Curbs

House Republicans moved Tuesday to update the state's unemployment compensation fund guidelines and make a raft of other statutory changes with an eye toward exiting Columbus and wrapping up work for the 131<sup>st</sup> General Assembly by the end of the week.

The amendments were attached to a measure on property taxes for development parcels (SB 235) that has become one of the vehicles of choice for interest groups looking to get things enacted in lame duck.

Unlike the more extensive package that was sidelined Monday amidst strong opposition (HB 620; See Gongwer Ohio Report, December 5, 2016), the UC provisions prepared for the House Finance Committee to insert in the so-called Christmas tree bill only address a few agreed-to items. (*See separate story*)

The property tax bill, which began as a measure to freeze property values on commercial parcels until they are developed, picked up about 20 other amendments (House GOP Synopsis). The House Finance Committee is expected to report the bill on Wednesday or Thursday, which is the last full session day expected this year.

Among them are provisions to:

- Exempt tangible personal property used for oil and gas manufacture from the sales tax.
- Adopt the recommendations of the Net Operating Loss Study Committee.
- Exempt small business investment companies from the Financial Institutions Tax (HB 592).
- Update pawnbroker regulations (SB 270).

Rep. Dave Hall (R-Millersburg) also amended the bill with language to crack down on cockfighting and "bearbaiting." He said the amendment mirrored legislation (HB 215) sponsored by former House member Barbara Sears that cleared the chamber earlier this session with broad support.

**Local Control Bill:** The Finance Committee continued to field testimony Tuesday that was mostly in opposition to the so-called "Petland Bill" (SB 331), which the company sought after Grove City imposed a local ordinance restricting where the stores sourced their puppies.

Described by supporters as a prudent update to pet store regulations that would provide for statutory uniformity across the state, it is nevertheless panned by opponents as providing too many loopholes for unscrupulous



breeding operations. (See *House Committee Activity Report*)

Sticking with the theme of overriding local control, majority Republicans added four provisions sought by commercial interests and local government officials. ([House GOP Synopsis](#))

Two would prohibiting labor-backed ballot issues on minimum wage and predictive scheduling.

Another would prevent local governments from restricting the placement of micro wireless equipment in public rights of way. (See [Gongwer Ohio Report, December 2, 2016](#))

A fifth amendment added Tuesday would prohibit bestiality ([SB 195](#)).

Responding to questions from Democrats, Chairman [Rep. Ryan Smith](#) (R-Bidwell) said telecom companies requested the micro wireless language to achieve statewide uniformity for laws governing the installation of equipment related to their 5G networks.

The predictive scheduling language is an issue for retailers who want to maintain work hour flexibility in the face of attempts to force them to do otherwise, he said.

The chairman said the bill would be reported from committee later this week. It was slated for a floor vote Wednesday pending the report.

Given the two omnibus bills did not advance Tuesday, there was little discussion among members of the committee regarding the various additions.

Ohio Democratic Party Chairman David Pepper, however, took issue with the bill that curbs local control.

"It is the height of hypocrisy that Republicans claim to be the party of 'small government,' while they sit in the Ohio Statehouse and dictate how Cincinnati or Grove City or any other community should run local affairs," he said in a statement.

"Republicans should be ashamed of this last-minute sneak attack on Ohio voters, citizens and communities that are taking action to improve their economic fortunes, protect their quality of life and crack down on horrific abuses against animals. And sadly, many of these local actions are being taken precisely because the Statehouse refuses to lead on critical issues facing Ohio."

### State Revenues Plummet Again As Governor Warns Of Looming Recession

[Gov. John Kasich](#) sounded the warning bell on Ohio's economy Tuesday as preliminary revenue data from his budget office showed income and sales taxes continuing to lag projections.

The [data on November tax collections](#) show receipts came in \$99 million, or 5%, less than anticipated for the month. So far this year, the \$8.957 billion in total tax intake is \$259 million, or 2.8%, behind the two-year budget planning number.

"Revenues are under estimate for the month as withholding tax collections continue to lag," Office of Budget and Management spokesman John Charlton said in an email. "Sales and use taxes continue to be below estimates as well."

Personal income tax receipts were nearly \$71 million, or 10.4%, less than expected for the month, OBM's data show. Sales tax intake slipped below projections by more than \$32 million, or 3.7%.

A few minutes before OBM released the data, Gov. Kasich addressed the House in a rare session speech and renewed his warnings that the next two-year budget would be restricted by the state's developing revenue squeeze.

"We're on the verge of a recession in our state," Gov. Kasich said. He added that he's determined to avoid handing over a dismal state financial picture to his successor.

OBM Director Tim Keen has made similar comments in recent weeks as the state's two key revenue sources have lagged expectations.

Nevertheless, he said the significant amount of reserve funds built into the current two-year cycle that ends June 30, as well as continued underspending in Medicaid, would prevent the state's ledger from going into the red by the end of the fiscal year. (See Gongwer Ohio Report, November 4, 2016)

### Tax, Appropriation Updates Added To University Audit Bill

A bill that gives the state auditor authority to look into the books of higher education institutions picked up a number of additions before advancing through the Senate Finance Committee on Tuesday.

Among the updates that became part of the measure (HB 384) through an omnibus amendment are non-controversial tax changes and provisions described as clarifications to existing laws.

Tax changes include exempting jukebox transactions and Supplemental Employee Retirement Plans from taxation, lowering new water-works tangible personal property-tax assessment rates from 88% to 25%, and allowing cities to use tax increment financing payments in lieu of taxes to fund infrastructure projects.

Some of the omnibus provisions were already added to other bills (SB 235 & SB 3) that were also loaded up with amendments in a last-ditch effort to move proposals onto the governor's desk before the end of the year.

Those include amendments to: exempt Small Business Investment Corporations from the Financial Institutions Tax; exempt Nationwide Arena in Columbus from taxes; allow higher education institutions to establish joint self-insurance pools (HB 416); and change the process for awarding Ohio Workforce Grants.

The latest version of the bill also makes tweaks to appropriations made through the capital budget (SB 310). It moves \$50,000 for Hamilton County Agricultural Facility Improvements to Cincinnati State Community College and redirects \$100,000 for the First Step Recovery Program to the Summer Entrepreneurial Experience & Knowledge program.

The amendment further creates a \$7 million competitive grant program in the Department of Public Safety for nonprofit organizations using monies left over from a former security grant program.

Changes are made to the biennial budget as well, with the amendment allowing the Higher Education Regional Partnership and Training Center to move non-GRF dollars between fiscal years. It also expands participation in the partnership to additional higher education institutions.

A standalone amendment to the bill, meanwhile, would repurpose \$191,000 for Deerfield Township Simpson Creek Erosion Mitigation and Bank Control to Hazel Woods Park, the Warren County Historical Society.

### House Panel Approves Amendment Making Concealed Handgun Licensees Protected Class

A House committee on Tuesday approved an amendment that would make those with Concealed Handgun Licenses a protected class when it comes to employment discrimination.

The amendment was adopted by the House State Government Committee to a bill (SB 199) to permit active duty military members to conceal carry without a CHL. The committee ultimately reported the bill with an 8-4 vote, with a House floor vote slated for Wednesday.

The language would prohibit employers, for example, from terminating employees for violating no firearm policies by carrying a weapon in their personal vehicle if on company property.

But the testimony received Tuesday during the bill's fifth hearing focused on the protected class amendment, which effectively incorporates SB 180 into the bill.

Buckeye Firearms and the National Rifle Association supported the amendment in testimony, likening firearm owners to other protected classes against which employers may not currently discriminate.

The Ohio Chamber of Commerce and the Ohio Council of Retail Merchants, though, expressed "grave concerns" about the amendment, with the chamber calling the parking lot issue "the tip of the iceberg."

The committee adopted the amendment on an 8-3 party line vote over the objection of Democrats. Republicans said they narrowed the SB 180 language, which previously applied to anyone, to apply only to CHL carriers to address opponent concerns.

Still, the Chamber argued the language would expose employers to uncertainty and liability. Director of Labor and Legal Affairs Don Boyd said the concealed carry section of revised code would be a more natural fit for the provision, rather than created an entirely new protected class.

"We oppose the underlying goal of this bill because it infringes on businesses' private property rights, it creates an entirely new and unneeded category of employment discrimination, and exposes Ohio businesses to a potentially damaging legal climate," he said.

Chairman Rep. Ronald Maag (R-Lebanon) questioned why citizens, such as domestic abuse victims, should be prohibited from defending themselves on the way to or from work if their workplace bans firearms from parking lots.

"You're putting these people at a lot of risk and their personal property rights, should they not be equal to personal property rights of the company?" he asked.

Mr. Boyd said employers should be able to regulate their property, and said some defense contracts and other factors could force employers to enact such policies.

"I understand that concern, but once the employee drives onto the property, the employer needs to be able to regulate that," Mr. Boyd said. "Once that person drives onto the private property of the employer they need to follow the rules of the employer."

Rep. John Becker (R-Union Twp.) said the bill has been narrowed to include only CHL holders, which he described as the "cream of the crop of the citizenry" in that they have received background checks and training and been fingerprinted.

"This goes beyond that," Mr. Boyd answered, saying that any complaint under the provision would end up before the Civil Rights Commission. "There's the underlying issue we have a problem with - bringing firearms onto an employer's property - then there's the issue of creating an entirely new class of protected citizens."

Buckeye Firearms Board President Jim Irvine argued that vehicles are the personal property of employees. Just like Bibles left in a vehicle are not an employer's business, he said, the same is true of firearms.

"This amendment is narrowly tailored to only apply to those people with a Concealed Handgun License, and only in private vehicles," Mr. Irvine said. "It does not extend to the building of an employer or to employer owned vehicles."

Rep. Michael Curtin (D-Marble Cliff) questioned whether there are any cases in which an employer has terminated an employee for possessing a weapon on their personal property.

"Yes, we're aware of several," Mr. Irvine replied. He said between 20 and 30 states have enacted similar legislation; although Mr. Boyd said no state have taken the tract to make CHL holders a protected class.

NRA Ohio liaison John Hohenwarter said employers extending no firearm policies to parking lots are "misguided."

"Employees should not have to choose between their right to defend themselves and their careers," he wrote. "The fundamental right to self-defense should not stop simply because employees park their cars in publicly accessible parking lots owned by their employers."

Rep. Becker, citing concerns raised during his previous bill on the topic, asked whether having a firearm could make it easier for a terminated employee to grab a gun and return to the building to wreak havoc.

"Not to my knowledge," Mr. Hohenwarter replied, acknowledging firing an employee is "never pleasant. "Those companies that do allow employees to park their automobile on their parking lot with a firearm have never had any experiences that you have mentioned."

#### Amendments, Committee Vote Expected Wednesday For Bill Allowing Concealed Guns On Campuses, In Day Cares

A bill to allow concealed firearms on college campuses, in day cares and in other areas continued to draw strong opinions as it heads toward an expected Wednesday vote in a Senate committee.

The measure (HB 48) would let the state's colleges and universities decide if they want to allow concealed carry permit holders to bring firearms on campuses.

Opponents of the plan continued to speak out in the Senate Government Oversight and Reform Committee Tuesday, saying they believe guns on campuses would not make them safer.

"Both college campuses and day-care centers are already safe places for our young people in Ohio," said David Eggert, representing Ohioans for Safe Communities. "This bill is not about safety. It is about convenience for concealed carriers. And the price of that added convenience will be paid by Ohio's young people. That price is too high."

Supporters, meanwhile, said the proposal would not require colleges or day cares to allow concealed firearms.

"Day care centers are private businesses," said Jim Irvine, president of the Buckeye Firearms Association. "All this law does is take away a state mandate on how they run their business. It does not mandate that they must allow guns."

Day cares and colleges would also be able to set standards for who can carry a concealed firearm on their property, he said.

The bill is expected to be amended and voted out of the committee Wednesday, Chairman Sen. Bill Coley (R-Liberty Twp.) said. The full changes were not yet set, he said, but the committee is looking at updates to provisions involving allowing guns in public areas of police stations and in government buildings.

John Hohenwarter, the Ohio state liaison for the National Rifle Association, said the bill would eliminate so-called "victim zones" where guns are forbidden, and which he said are targets of attackers.

"The concerns of a law-abiding citizen carrying a firearm should be of no concern. It's the concern of criminal misuse of firearms," he said.

Opponents of the bill said the danger of guns on campuses and in day cares stretch beyond the malicious intent of violent attackers. They can increase the risk of suicides, accidental shootings and sexual assaults.

"Next school year, if this bill passes, I'll have to accept that I can do nothing to prevent one of my depressed students choosing that day to kill themselves while I teach, like a man did last year at the Wexner Center," said Molly Farrell, who teaches English literature at Ohio State University.

Marilee Martens, who teaches psychology at OSU's Newark campus, said most college students are at an age where their decision-making ability is not fully developed, and emotional situations can escalate.

"The thought that frustrated students would have increased opportunity to pull a handgun out of their backpack because of this concealed carry law frankly scares me half to death," she said.

### Committee Provides Exemption To Truancy Bill Despite Sponsors' Objections

A truancy-related measure is poised for Senate consideration after receiving a handful of amendments, including one that the bill's sponsors say compromises their intent by exempting more than half of the state's school districts from the provisions.

The Senate Education Committee on Tuesday unanimously reported the bill ([HB 410](#)) after accepting seven amendments, most of which have been in the pipeline since September. (See [Gongwer Ohio Report, September 27, 2016](#))

An amendment that exempts from the measure schools that have a truancy rate of 10% of the student body or less was discussed openly for the first time, however.

While school districts that have long raised concerns about the requirements under the measure supported the amendment, bill sponsor Rep. Jeff Rezabek (R-Clayton) asked the committee to vote down the change.

The bill's other sponsor, [Rep. Bill Hayes](#) (R-Harrison Twp.), is also opposed to the amendment, he said.

"If there are 1,000 students (in a district), that means 100 kids could be chronically truant" and the bill wouldn't apply, Rep. Rezabek said. "Those kids matter."

"When we look at this, it is not about the total number, it's about those individual children and I would hope we would focus in on that," he added.

Rep. Rezabek, who is an attorney specializing in criminal law, said the bill was inspired by a student he represented who missed 90 days of school before action was taken by the district to address the reasons she wasn't making it to class.

Under the amendment, the school she attended would not be required to implement the interventions laid out in the bill, he said.

Erin Davies, executive director of the Juvenile Justice Coalition, said 53% of the state's districts have truancy rates below 10% and would not be required to go to the courts as a last resort or create intervention teams when a student is chronically absent.

"The amendment moves away from HB410's core principle of keeping as many students as possible connected to school and out of the juvenile court system by addressing students' individualized needs," she said.

However, Granville Exempted Village Schools Superintendent Jeff Brown, who represents the Alliance for High Quality Education, said the bill is unnecessary for districts that have low truancy rates that serve as proof that successful approaches to truancy are already in place.

He argued that the bill would be onerous to implement because it requires additional data reporting to the state, administrators to take part in absence intervention teams and schools to wait 60 days before turning truancy cases over to courts.

"If the bill is intended to help districts achieve lower rates of absenteeism, the provisions in the bill should only apply to the districts with higher rates of absenteeism," Mr. Brown said. "It is clear that districts that already have low rates of chronic absenteeism their processes are currently working."

This is the second time the bill has seen changes to reduce requirements on school districts. When the bill was in the House, absence intervention teams that involved a handful of members and incorporated supports from local partners were altered. In the current version, the teams require only an administrator, parent and school staff member.

Although many districts raised concerns about the requirements to form the teams to address truant students, some told lawmakers that they're already partnering with local entities to bring resources into their schools or were interested in doing so, Chairwoman Sen. Peggy Lehner (R-Kettering) said in a recent interview.

Out of those differing views, the amendment to create a multi-disciplinary truancy team pilot program amendment was born. It was among those that were approved on Tuesday.

Districts would apply to the Family and Children First Cabinet Council to be part of the pilot program. At least two urban, one suburban and one rural district must be chosen.

Those that are chosen must collaborate with at least one community partner from a list that includes county commissioners, mayors, Educational Service Centers and executive directors of local non-profits.

As part of the pilot, the schools will be required to submit data to the cabinet council. Among the data that must be reported are demographics, the reason students are truant and whether interventions were successful.

Other amendments seek to: Require districts to create tiered discipline models; allow suspended students to make up missed coursework; prohibit districts from carrying suspensions over from one year to the next, but permit superintendents to impose alternative punishments such as community service; set the effective date of the bill to 2017; and change the deadline for when an attendance officer must file a truancy complaint with a court.

**Week Designation Bill:** The committee also added a handful of amendments to a measure (HB 438) that designates the week prior to Thanksgiving as Ohio Public Education Appreciation Week.

Two amendments incorporated into the bill other pieces of legislation that require schools to instruct students on organ and tissue donation as part of the health curriculum (HB 137) and reduce the local share of construction project funding for school districts that merge or consolidate operations (HB 148).

Other amendments align evaluations of counselors with those of other school staff and allow regular and priority bidding to take place simultaneously for district properties for sale.

### Attorneys Raise Red Flags About Medical Malpractice Bill

Several attorneys on Tuesday spoke out against a measure designed to provide health care professionals with qualified civil immunity for services provided as a result of a disaster or mass hazard.

John Van Doorn, executive director of the Ohio Association for Justice, told members of the House Judiciary Committee that the legislation (HB 559) is unnecessary.

"In the absence of a medical liability problem, we would submit that there is no compelling reason to further restrict the rights of Ohio patients with more medical malpractice reform," he said.

Gerry Leeseberg of Leeseberg & Valentine took aim at several provisions in the bill, including a proposal to eliminate the "shotgun lawsuit."

The bill, he said, "is touted by proponents as adding 'another tool to the plaintiff attorney's toolbox.' In fact, the proposed 'tool' under HB 559 is only available to use if a plaintiff foregoes using another extremely beneficial tool already in the toolbox (180 day notices)," he said.

"The existing 180-day notice helps limit the practice of 'shot gunning' defendants because it allows the patient to conduct discovery during the period, thereby culling the list of health care providers who are named in the initial claim. As drafted, the proposal will not achieve its objective and will, in fact, make the problem worse."

Eleana Drakatos with the firm Yacobozzi Drakatos told the panel that the proposed "loss of chance" provision will make it more difficult for people to bring a medical malpractice claim outside of a disaster or mass hazard situation.

"The proposed amendment would eliminate claims made by many Ohioans with acute medical conditions, such as women diagnosed with breast cancer and seniors in declining health. It would take away the rights from anyone with less than 51% survival chance to seek justice," she said.

"The proposed amendment means that the radiologist who failed to read your wife's mammogram correctly would not be accountable, if she dies from breast cancer, because that doctor will say that even if he/she read the x-ray properly, she would have had less than a 50% chance of survival. This bill cuts off any legal remedy for injured patients or their survivors who the health care provider contends would have less than even chance of survival. Is that really what you intend?"

Another lawyer, Rick Topper, told the panel that legislation could have unintended consequences.

"Let's say there was a bridge collapse and many people were hurt. The victims were sent to four different hospitals all of which were equipped to handle the patients. Assume that while be transported to the radiology department, a hospital orderly carelessly lets go of the cart," he said.

"The patient flies down a set of stairs and sustains serious injury. Under HB 559, the hospital would not be accountable for the patient's harms and losses. The only way a hospital could be held accountable is if their orderly intentionally rolled the cart toward a set of stairs and the patient went flying. Even then, the liability for that is questionable."

But Dr. Michael McCrea, a practicing emergency medicine physician at Mercy St. Vincent Medical Center in Toledo testifying on behalf of the Ohio Chapter of the American College of Emergency Physicians, told the panel that several states have adopted similar legislation since Hurricane Katrina.

He told the committee that a provision, which would make communication between a health care provider and a deceased patient's family inadmissible in a medical malpractice lawsuit, would have been beneficial to him after a child burn patient died in 2006 and she found herself ensnared in a lawsuit.

While in the courtroom, Dr. McCrea discussed the situation with the child's mother, despite being instructed by attorneys not to do so. After the conversation, the mother dismissed him from the lawsuit.

"I strongly believe that all health care providers should be provided the protected opportunity to reach out to patients and family members after an adverse medical event, regardless of fault," he said. "As my experience demonstrates, being able to engage in a conversation with a patient or their family may mean more to all involved than anything else. This is not just for the benefits of families but as much for the benefit of health care providers."

Sponsoring Rep. Bob Cupp (R-Lima) said there are amendments planned for the legislation that will address some of the concerns raised.

## High Court Sets Standards For Release Of Law Enforcement Dash Camera Recordings

The Ohio Supreme Court ruled Tuesday that law enforcement dash cam recordings are public records, with certain exceptions.

In the 7-0 ruling authored by Justice Judith French, the court found that portions of the recordings can be withheld if they meet the standard of an "investigatory work product."

"For this exception to apply, respondents must therefore establish that each of the withheld recordings 'pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature' and that its release would create a high probability of disclosure of specific confidential investigatory techniques or procedures or specific work product," Justice French wrote.

The case stems from a January 2015 incident in which two State Highway Patrol troopers pursued a suspect on Interstate 71 who was driving a stolen car, the court reported.

Three cameras recorded the pursuit, which ended when the suspect crashed the vehicle about 20 minutes into the chase.

One week after the incident, *The Cincinnati Enquirer* sought the recordings. However, the request was denied in its entirety because the patrol deemed them to be "confidential law enforcement investigatory records" exempted from the public record law. However, the patrol did release the written incident report and 911 calls related to the pursuit.

In March of that year, the newspaper took its case to the high court, asking that the patrol be ordered to release the videos.

The suspect, Aaron Teofilo, later that month pleaded guilty to fleeing and eluding police and carrying a concealed weapon.

Two months later after his guilty plea, the patrol released the videos and requested that the case be dismissed. The court, though, decided to hear the matter.

It found that such videos are subject to redaction on a case-by-case basis. In this instance, the court determined that only a 90-second portion of video capturing one of the troopers questioning Mr. Teofilo after he was read his Miranda rights falls under the investigatory record exemption and should be redacted.

"In the end, we hold that decisions about whether an exception to public-records disclosure applies to dash-cam recordings require a case-by-case review to determine whether the requested recordings contain investigative work product," Justice French wrote. "Having reviewed the three recordings at issue here, we conclude that respondents should have released all three recordings to the Enquirer upon request, with the 90 seconds of post-Miranda questioning of Teofilo redacted as investigatory work product."

The court, however, decided the newspaper is not entitled to attorney fees, damages and court costs because the record request was not made by hand delivery or certified mail.

Justice Bill O'Neill disagreed with that portion of the decision. In his partial dissent, he praised the newspaper for not abandoning its case after it received the records, writing "the law of Ohio is more easily understood as a result of their tenacity."

"The majority's conclusion that the good faith of law enforcement outweighs the benefit to the public establishes a blueprint for state agencies to stonewall valid requests for public records and then assert a good-faith defense when called into court," he wrote.

"This could have a serious chilling effect on the willingness of the press to litigate public-records requests all the way to the Supreme Court of Ohio. Our failure to award attorney fees to the prevailing party essentially rewards bad behavior. 'Catch me if you can' should not be the legal standard applied in important policy questions."

### Charter School Group Disbanding Amid Funding Challenges

After a decade of advocating for school choice, the Ohio Alliance for Public Charter Schools is dissolving at the end of the year.



OAPCS Board Chairman Chad Readler made the announcement in an email sent to supporters early Tuesday morning.

He attributed the decision to the rapidly changing charter school industry and a lack of funding for schools that would allow them to buy membership into the organization.

"As much as we have tried to adapt, and as much as we believe our work has benefitted the charter movement, the board of directors has decided that the Alliance is no longer well-positioned to help lead our movement," Mr. Readler wrote.

"While we are exploring options to continue our work in another form, the alliance will write its final chapter at year end. It is time for us to step aside and allow other valued partners to fill any gap we may leave."

The membership organization will get its final hurrah as it hosts the 10<sup>th</sup> annual Charter Schools Conference in Columbus on Wednesday and Thursday. The professional development event brings together state and national charter school leaders.

Mr. Readler said he's proud of the work that OAPCS has done in its defense of school choice, pointing specifically to its hand in drafting charter school overhaul legislation ([HB 2](#)) and pushing for the creation of the Community School Classroom Facilities Grant in the biennial budget ([HB 64](#)).

It also championed the growth of the charter school sector and educated members on a range of issues including data training, legal developments and special education, he said.

"Despite these efforts, our movement still faces challenges," Mr. Readler said. "Chief among them is the need for more funding for charter schools. While our schools achieve remarkable results with current funding levels, we lag far behind our traditional public school peers, forcing charters to operate under more financial pressure than we should, given our critical public mission."

Of the organization's many partners in the fight for charter schools is the Fordham Institute. Its Vice President for Ohio Policy and Advocacy Chad Aldis said OAPCS's "presence will be missed."

"We want to thank the Ohio Alliance for their contribution to Ohio's charter sector over the past ten years," he said in a statement. "Its board, leadership, and staff throughout the years have placed student interests first and offered a leading voice on the need for more great charter schools."

## Governor's Appointments

**Clark State Community College Board of Trustees:** Sharon M. Evans of Springfield (Clark Co.) for a term beginning Dec. 6 and ending Nov. 30, 2022.

**Hearing Aid Dealers and Fitters Licensing Board:** William G. Blazer of London (Madison Co.) for a term beginning Dec. 6 and ending Jan. 25, 2018.

**Ohio Advisory Council for Aging:** Heath Hughes of Columbus (Franklin Co.) and Denise A. Shockley of Gallipolis (Gallia Co.) were reappointed for terms beginning Dec. 6 and ending Nov. 21, 2019.

## Joint Legislative Ethics Committee Opinion

### No. 2016-001. SYLLABUS:

1) R.C. 2921.42(A)(1) prohibits a Member of the General Assembly from authorizing a contract in which the Member has an interest.


2) R.C. 2921.42(A)(4) prohibits a Member from having an interest in the profits or benefits of a public contract with a government agency with which the Member is connected.

- 3) R.C. 2921.42(A)(5) prohibits a public official from having an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law and that involves more than \$150.00.
- 4) R.C. 102.03 prohibits a Member of the General Assembly or a legislative employee from using the authority or influence of his or her office to secure anything of value or the promise thereof that is of such a character as to manifest a substantial and improper influence upon the Member or employee.
- 5) R.C. 102.04(B) prohibits a Member from selling goods to the General Assembly or any state agency, except through competitive bidding.
- 6) For the purposes of R.C. 102.04 and 2921.42, the Invitation to Bid, Request for Proposals, and Reverse Auction processes are considered to be competitive bid processes.
- 7) R.C. 102.04(A) prohibits a Member from receiving, directly or indirectly, compensation, except from the agency with which he or she serves, for personally rendering any service in any matter before the General Assembly or any other governmental entity of the state, excluding the courts.

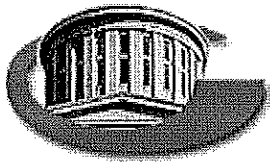
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Click the  after a bill number to create a saved search and email alert for that bill.

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## Senate Activity for Tuesday, December 6, 2016

PASSED

**HBFLAG DISPLAY** (Gonzales, A., Ginter, T.) To prohibit manufactured home park operators, condominium associations, neighborhood associations, and landlords from restricting the display of the Ohio flag, the POW/MIA flag, blue star banners, gold star banners, and other service flags, and to prohibit manufactured home park operators and landlords from restricting the display of the United States flag and the POW/MIA flag.

31-0

Gongwer Coverage

**HBLEGISLATIVE SERVICE COMMISSION** (Sweeney, M.) Regarding the term of a General Assembly member as a member of the Legislative Service Commission.

31-0

Gongwer Coverage

**HBPROFESSIONAL ENGINEERS** (Landis, A., Blessing, L.) To require professional engineers to complete continuing professional development hours in professional ethics or rules relevant to engineering or surveying practices.

31-0

Gongwer Coverage

**HBTERMINAL PATIENTS** (Sprague, R., Anielski, M.) To permit a patient with a terminal condition to be treated with a drug, product, or device that is not approved by the United States Food and Drug Administration, to modify the laws governing the appointment of a county home superintendent or administrator, and to permit health care professionals to earn continuing education credit by providing volunteer health care services to indigent and uninsured persons.

31-0

Gongwer Coverage

**HBOVI OFFENSES** (Scherer, G.) To authorize a court to grant unlimited driving privileges with an ignition interlock device to a first-time OVI offender, to expand the penalties related to ignition interlock device violations, to modify the law governing the installation and monitoring of ignition interlock devices, to extend the look back period for OVI and OVI-related offenses from six to ten years, and to modify the penalties for OVI offenses.

31-0 (Earlier REPORTED-AMENDED)

Gongwer Coverage

**HB CHILD ABUSE REPORTING** (Sears, B., Ryan, S.) To make changes in the child abuse and neglect **493** reporting law, to generally prohibit an abortion of an unborn human individual with a detectable heartbeat, to create the Joint Legislative Committee on Adoption Promotion and Support, and to make an appropriation.

21-10 (Amended)

Gongwer Coverage

**SB DOGS LAW** (Beagle, B.) To revise provisions of the Dogs Law governing nuisance, dangerous, and vicious **151** dogs, to revise enforcement of that Law, and to establish a notification process regarding complaints of certain violations of that Law.

31-0

Gongwer Coverage

## CALENDAR FOR COMING SESSION

**HB ESTATE LAW** (Cupp, R., Rezabek, J.) To revise the law governing decedent's estates by making changes **432** in the Ohio Trust Code, the Probate Law, the Uniform Principal and Income Act, the Transfers to Minors Act, and the Uniform Simultaneous Death Act.

## RECOMMITTED IN SENATE

**HB PALLIATIVE CARE FACILITIES** (Schuring, K.) To establish requirements for the operation of palliative **470** care facilities and requirements for hospital after-care and discharge planning, to prohibit assisting suicide, to require coverage for autism services, and to require the development of recommendations concerning the operation of memory care units.

Rules & Reference

## COMMITTEE HEARINGS

## State &amp; Local Government

**HB CHIROPRACTORS** (Schuring, K.) To authorize chiropractors to engage in certain activities involving **276** nutrition-related items and therapies, nonprescription drugs, and medical goods and devices. (**REPORTED**; 3rd Hearing-All testimony-Possible amendments & vote)

Mark Levy of the State Board of Orthotics, Prosthetics and Pedorthics suggested that the panel adopt an amendment to clarify that custom-fabricated devices can be issued only by licensed providers.

He said there is a large scope of devices that can be issued by individuals who don't have such licenses, but said custom devices generally require some sort of accreditation. The change, he said, would limit future regulatory confusion and conflict.

Mr. Levy said the board offered similar comments while the bill was pending in the House, and the expectation was that the issue would be reviewed in the Senate.

Chair Uecker said the panel was made aware of the concern on Monday, and told the witness that he doesn't read the bill in the same way. He said, however, the committee may revisit the issue if a problem occurs.

**HB MILITARY RECORDS** (Perales, R.) To specify that an order for active military service or other **423** documentation regarding the call to order of an individual in the Armed Forces of the United States or the Ohio organized militia is not a public record. (**REPORTED-AMENDED (No testimony)**; 2nd Hearing-All testimony-Possible amendments & vote)

Sen. LaRose amended the bill to clarify that the re-employment and re-instatement requirements apply to National Guard members from other states who live in Ohio.

**HB RETIREMENT SYSTEMS (Schuring, K., Ramos, D.)** To revise the law governing the state's public **520** retirement systems. (CONTINUED-AMENDED; 1st Hearing-Sponsor)

Chair Uecker added a technical amendment.

Rep. Schuring said the measure implements a series of changes to laws governing the state's public employee retirement systems. He noted that the adjustments have been endorsed by the Ohio Retirement Study Council, reviewed by council actuaries and have the support of the five retirement systems.

Among the changes, he said, is the establishment of a maximum mitigating rate of 4.5%. He said the mitigating rate is tied to the 1990s-era creation of an alternate retirement plan option for higher education employees.

The second major change, he said, is the streamlining of service credit transfers for people who have acquired credit in the Public Employees Retirement System's law enforcement division and the Ohio Police & Fire Pension Fund.

Rep. Ramos added that the bill contains minor corrections that also have the support of organizations that represent public employees.

Sen. Jones thanked the lawmakers and the ORSC for continually reviewing retirement laws and policies to keep the systems running smoothly for retirees.

**Governor's Appointments:** The panel also recommended approval of the governor's appointments of Gregory Guzman and Daniel Molina, Commission on Hispanic-Latino Affairs and Michele Weiss, Commission on Service and Volunteerism.

#### Insurance

**HBOVI OFFENSES (Scherer, G.)** To authorize a court to grant unlimited driving privileges with an ignition **388** interlock device to first-time OVI offenders, to expand the penalties related to ignition interlock device violations, to modify the law governing the installation and monitoring of ignition interlock devices, to extend the look back period for OVI and OVI-related offenses from six to ten years, and to modify the penalties for OVI offenses. (REPORTED-AMENDED On Senate calendar for Tuesday, December 6; 3rd Hearing-Opponent-Possible vote)

In written testimony, Steve Hall, a legislative assistant for the Ohio Prosecuting Attorneys Association, said the bill has several flaws: it is redundant, the definition of "first time offender" is not clear and a provision that allows for a suspended jail term is "wrong."

"We feel suspending the jail term is wrong," he wrote. "While most first time offenders now that test low will get the option of trading the three days in jail for a weekend driving course, we still feel that jail time is a deterrent that should be left in place, and left up to the court's discretion."

The bill was amended to change the maximum driver's license suspension for first time offenders from five years to three years. Another amendment allows salvage companies to use a nationally recognized courier service for the purpose of notifications.

**Subscriber's note:** Full testimony is available on the [committee's website](#) under Dec. 6.

#### Ways & Means

**SB UNEMPLOYMENT COMPENSATION (Peterson, B.)** To increase the taxable wage base under the **374** Unemployment Compensation Law, to temporarily freeze the maximum amount of weekly unemployment benefits a claimant may receive, to revise the amount of dependent unemployment benefits a claimant may

receive and to make other changes in Ohio's Unemployment Compensation law. (**SCHEDULED BUT NOT HEARD**; 3rd Hearing-All testimony-Possible amendments)

**Governor's Appointments:** The panel also recommended approval of the governor's appointments Jon Rettig, Sr., Board of Embalmers and Funeral Directors, William Dodson, Jr., Board of Embalmers and Funeral Directors, Jill Pugh, Board of Embalmers and Funeral Directors

William Wappner, Board of Embalmers and Funeral Directors and George Allen, Barber Board.

Government Oversight & Reform

**HB HEALTH CARE COMPACT** (Retherford, W., Boose, T.) To enter into the Health Care Compact. **34** (CONTINUED; 2nd Hearing-Proponent)

Several people submitted written testimony in support of the bill, saying it would allow Ohioans to reject federal mandates on health care.

"Ohioans should be able to say 'yes' or 'no' on issues concerning their healthcare," wrote Arzella Melnyk of Kirtland. "We should be able to discuss what works and what doesn't work for us and, if need be, make changes when necessary that work best for us."

Bob Connors, executive director of We The People Ohio Valley, said the bill would allow the state to emphasize individual and personal health care and roll back parts of the federal Affordable Care Act.

"Please take charge of your responsibility by stopping the Federal power grab and seize control of the largest segment the Ohio state budget in a meaningful way," he wrote. "The Healthcare Compact offers Ohio the ability to protect itself from the certain financial disaster in the coming years caused by too much federal control of our healthcare."

**HBCIVIL FORFEITURES** (McColley, R., Brinkman, T.) To modify the laws governing criminal and civil **347** asset forfeitures, to revise the procedures upon a writ of execution of goods claimed by a person other than the defendant, and to establish the offense of receiving proceeds of a drug abuse, theft, or human trafficking offense and permit the state to file a civil action against the person who allegedly committed that offense under certain circumstances. (CONTINUED; 4th Hearing-All testimony-Possible amendments & vote)

Chair Sen. Coley said the committee continues to work on amendments to the bill, and he expects it will be voted on Wednesday.

**HB COMMISSION ELIMINATION** (Brown, T.) To formally abolish certain boards and commissions that **471** have completed their work and to abolish the Compact with Ohio Cities Task Force. (CONTINUED; 3rd Hearing-All testimony-Possible amendments & vote)

Opponents of the measure spoke out against provisions that would consolidate separate advisory councils for the state's scenic rivers into one statewide council. Alan Fazenbacker, who is a member of the Conneaut Creek Scenic Advisory Council, said the councils are dedicated eyes and ears paying attention to what's happening on each river.

"I would be expected to make decisions on 12 other scenic rivers that I would have no knowledge of" if he served on the new consolidated council, he said.

Travel to Columbus or another central location for a quarterly meeting could be expensive and time-consuming for people in far-flung parts of the state, such as Ashtabula County, he said.

Tom Butch, president of the Columbiana County Federation of Conservation Clubs, said the volunteers who serve on the councils are important to protecting the rivers.

"They are people who are very knowledgeable about the rivers and care very much for the future of the rivers," he said. "Taking away this vast local knowledge and replacing it with one statewide council, far removed from the local rivers, will most certainly result in a great loss of protection for the wild, scenic, and recreational rivers."

Mr. Butch said the state mostly pays for a member of staff from the Department of Natural Resources to attend the councils' quarterly meetings, take minutes and assist members.

"We're certainly open to looking at administrative changes to how the local councils operate, but I truly believe that we need to maintain the local councils," he said.

**HB STATE CONTRACTING (Schuring, K.)** To prohibit a state agency from contracting with a company that **476** is boycotting Israel or disinvesting from Israel. (CONTINUED; 1st Hearing-Sponsor & proponent)

Sponsor Rep. Schuring and proponents of the bill said it would strengthen Ohio's ties with Israel.

"We want to make sure that we can grow our partnership with Israel," Rep. Schuring said, citing the state's trade ties to the country. "If we hurt Israel, we indirectly hurt Ohio."

Chair Sen. Coley asked if Rep. Schuring would be open to changing the bill to give preference to companies that don't boycott Israel, to avoid responding to boycotts with a boycott. Rep. Schuring said the state must also be a good steward of taxpayer dollars, and that could mean accepting a low bid from a company that is boycotting Israel.

"Some have approached me and said that this bill, the way it's currently worded, smacks of a loyalty oath of eras gone by," Sen. Coley said.

Sen. Coley said he'd discuss the concerns with the sponsor.

State Deputy Treasurer Seth Metcalf said Treasurer Josh Mandel's office supported the bill, which would also allow the office and county treasurers to increase their investments in Israel bonds from 1% to 2% of their portfolios, but does not require them to do so.

Hany Baransi, owner of the Nazareth Restaurant in Columbus, said the boycott, divestment and sanction campaigns are a way of attacking and jeopardizing the existence of Israel.

"The BDS hate campaign wants to block Israeli companies from conducting business in the U.S., prevent Israeli academics from cooperating with American universities, and stop Israeli artists from performing at American venues," he said. "Any and every Israeli, whether Jewish or Arab, is a target for the boycott."

**HB FIREARMS (Maag, R.)** To extend to handguns affirmative defenses to a charge of carrying a concealed **48** weapon or having or transporting a firearm in a motor vehicle, and to modify the prohibition against carrying a concealed handgun onto institutions of higher education, places of worship, day-care facilities, aircraft, certain government facilities, public areas of airport terminals and police stations, and school safety zones. (CONTINUED (See separate story); 4th Hearing-All testimony-Possible amendments & vote)

**SB DENTAL THERAPISTS (Lehner, P.)** To establish licensing requirements for dental therapists. **330** (CONTINUED; 2nd Hearing-Proponent)

Larry Hill, a public health dentist representing the American Association for Community Dental Programs, said expanding the use of mid-level providers such as dental therapists would increase access to dental care in underserved areas.

"It is critical that we look at the unmet needs of Ohioans and make adjustments to the dental team and workforce to address those issues. It is time to move the needle, we have a model that is proven to work," he said. "We

have the research and experience to support this. It wouldn't be fair to the underserved Ohioans to do less."

Chair Sen. Coley asked about the lack of an education program in the state for dental therapists, and said there would likely be a delay in getting the program up and running. Dr. Hill said dental schools already have the staff and most of the curriculum to train dental therapists, and other states have brought in therapists from other states to start.

David Maywhoor, project director of Dental Access Now at UHCAN Ohio, said dental therapists in Minnesota have begun to practice more and more in rural parts of that state, and that they have saved practices money.

"Children's Dental Services, which primarily serves low-income patients throughout Minnesota who are either publicly insured or uninsured, employs three dental therapists," he said. "The clinic reports that since 2011, dental therapists have provided care to more than 9,000 patients and that each full time dental therapist saves \$1,200 a week."

Barb Ranck, immediate past president of the Ohio Dental Hygienists Association, said the bill would provide more access to quality dental care, which is essential to overall health.

"Let me be clear: We believe that increased access to care does not mean a lower standard of care, but the utilization of a workforce degreed and licensed at a national standard determined by the Commission on Dental Accreditation," she said.

**SB USED TIRES (Hite, C., LaRose, F.)** To prohibit the installation of unsafe used tires on certain motor **336** vehicles. (CONTINUED; 2nd Hearing-Proponent)

Ric Oxender, representing the Ohio Conference of AAA Clubs, expressed support for the bill, saying it will protect consumers. He said a proposed amendment would alleviate a concern he had that would have affected a type of roadside assistance.

"The introduced version caused us concern in that it included a certain method of roadside assistance repair that, under the definitions, would have been illegal," he said. "All parties agreed, and we have remedied that concern with the latest version of the bill. This change does not affect the purpose of the bill to protect consumers from driving with unsafe tires."

Daniel Zielinski, senior vice president for public affairs at the Rubber Manufacturers Association, said he didn't expect the bill would force drivers to buy new tires, but would ensure that drivers are buying safe used tires.

"Consumers always should approach a used tire purchase decision with caution," he said. "No consumer can possibly know the storage, maintenance and service history of any tire. Tires driven under inflated over time; suffered impact damage by hitting a pothole or curb; exhibit uneven tread wear due to poor vehicle alignment or have been repaired improperly can increase the risk of tire failure."

**Subscribers note:** Full testimony is available on the [committee's website](#).

#### Finance

**HB HIGHER EDUCATION AUDITS (Schaffer, T., Duffey, M.)** To specify that state institutions of higher **384** education may be subject to performance audits conducted by the Auditor of State. (REPORTED-  
**AMENDED (See separate story); 5th Hearing-All testimony-Possible amendments & vote)**

**Governor's Appointments:** The committee recommended full Senate confirmation of: Sharlene Ramos-Chesnes and E. Beach, Northeast Ohio Medical University Board of Trustees; William Burke, Credit Union Council; Michael Canty, Cuyahoga Community College Board of Trustees; Angela Mastros, Eastern Gateway Community College Board of Trustees; Linda Reis, Terra State Community College Board of Trustees; Karl Schneider and Porter Welch, Board of Building Appeals and William White, Ohio Arts Council.

#### Transportation, Commerce & Labor



**HB BICYCLE OPERATIONS (Henne, M., Sheehy, M.)** To provide that when a motor vehicle passes a bicycle **154** the safe passing distance to the left is three feet, and to alter the protocol for proceeding into an intersection that has malfunctioning traffic lights. **(REPORTED-AMENDED; 2nd Hearing-All testimony-Possible amendments & vote)**

The committee accepted an amendment that changes the safe passing distance to three feet or more.

Chuck Smith, chair of the Ohio Bicycle Federation, said 29 other states have passed laws requiring motorists to give bicyclists at least three feet of clearance when passing and all major Ohio cities have ordinances stating the same.

Permitting bicycles and motorcycles to proceed through an intersection after stopping and yielding right-of-way, even when not detected by the device designed to move the signal from red to green, is also a necessary change, he said. Sixteen states currently allow this.

The two provisions of HB154 are both listed in the 2015 Bicycle Friendly State Report Card given to Ohio by the League of American Bicyclists," Mr. Smith told the panel. Passage of the bill "promises to improve Ohio's Bicycle Friendly State standing from the current ranking of 16th among our 50 states."

"The Bicycle Friendly State rankings are well-publicized and considered by industries and businesses looking for new locations. Thus, a higher Bicycle Friendly State ranking may enhance our Ohio economy," he added.

Mr. Smith was joined at the committee meeting by Kimber Perfect and Patricia Kovacs who are also avid bicyclers representing the federation.

Ms. Perfect shared a story of life-long injuries that are a result of being hit by a car that passed by too closely when she was bicycling near Lake Erie. She said the driver of the vehicle that struck her was cited for unassured clear distance and paid a fine of \$32.

Kelli Arthur Hykes, director of public health policy for Columbus Public Health, also provided written testimony in support of the measure.

**HB TOWING LAWS (Young, R., Sweeney, M.)** To require the Public Utilities Commission to raise the existing **341** statutorily designated towing and storage fees annually by the percentage increase in the consumer price index, to establish a \$35 fee for the retrieval of nonmedical personal items from a motor vehicle, to modify the civil penalties applicable to violations of the towing law, to modify the calculation of the value of an abandoned vehicle to which a towing service or storage facility seeks to take title, and to make other changes to the towing law. **(REPORTED-SUBSTITUTE; 4th Hearing-All testimony-Possible amendments & vote)**

Without discussion, the committee accepted a substitute bill after briefly hearing from towing and insurance industry leaders who said the final version was a good compromise.

The latest version requires the Public Utilities Commission to set after-hour retrieval fees as well as tow-away and storage fees, which are currently respectively set at \$90 and \$12.

It also gives towing operators leeway in situations where they can't accept credit card payments or get a car to a storage lot within two hours, among a number of other changes.

**HB BOARDING SCHOOL ZONE (Patterson, J., Roegner, K.)** To authorize a municipal corporation or **455** township to establish a boarding school zone and a special speed limit within that zone. **(SCHEDULED BUT NOT HEARD; 4th Hearing-All testimony-Possible amendments & vote)**

Chairman LaRose said he expects the committee to vote on the bill during its Wednesday morning meeting. Amendments will include road namings and license plates, he added.

**Governor's Appointments:** The committee voted to accept the governor's appointments of: Michael Peterson to the Ohio Turnpike and Infrastructure Commission; Timothy Galvin and Gerald Holland to the Board of Building Standards; Robb Mitchell, Michelle Primm, Lauren Thomas, and Roberto Vazquez to the Motor Vehicle Dealers Board; and Sherri Orr to the State Auctioneers Commission.

#### Education

**HB TRUANCY** (Rezabek, J., Hayes, B.) With regard to habitual and chronic truancy and compulsory school **410** attendance. (**REPORTED-AMENDED (See separate story)**; 6th Hearing-All testimony-Possible amendments & vote)


**HB WEEK DESIGNATION** (Patterson, J.) To designate the week prior to the week of Thanksgiving Day as **438** "Ohio Public Education Appreciation Week." (**REPORTED-AMENDED (See separate story)**; 2nd Hearing-All testimony-Possible amendments & vote)

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**Senate Floor Report**

1 message

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[View in a browser](#)[News](#) [Bill Tracking](#) [Legislation](#)**SENATE ACTIVITY REPORT****PASSED****HB 48****FIREARMS (Maag, R.)**

To modify the prohibition against carrying a concealed handgun onto institutions of higher education, day-care facilities, aircraft, certain government facilities, public areas of airport terminals, and school safety zones, to allow a sheriff to use concealed handgun license fee revenue to purchase ammunition and firearms, and to authorize certain children's crisis care facilities to maintain firearms.

**23-9 (Earlier REPORTED-AMENDED)****HB 89****MEDICAID SCHOOL PROGRAM (DeVitis, T.)**

Regarding the Medicaid School Program.  
**30-1**

**HB 216****NURSES (Pelanda, D.)**

To revise the law governing advanced practice registered nurses.

**31-0****HB 276****CHIROPRACTORS (Schuring, K.)**

To authorize chiropractors to engage in certain activities involving nutrition-related items and therapies, nonprescription drugs, and medical goods and devices.

32-0

**HB 285****PRESCRIPTION REFILLS (Sprague, R.)**

To authorize pharmacists to dispense multiple refills of a prescription simultaneously under certain circumstances.

32-0

**HB 341****TOWING LAWS (Young, R., Sweeney, M.)**

To require the Public Utilities Commission to establish towing and storage fees and to review those fees every five years, to establish an after-hours fee for the retrieval of personal items from a motor vehicle that was towed from private property or otherwise upon the order of law enforcement, to modify the civil penalties applicable to violations of the towing law, to impose criminal penalties for the failure of a towing service to obtain a certificate of public convenience and necessity, to allow a repair garage, towing service, or storage facility to obtain a salvage certificate of title to a motor vehicle under specified circumstances, to alter notice requirements applicable to a salvage auction or pool that obtains a salvage certificate of title for a motor vehicle, to establish a new civil action, and to make other changes to the towing law.

32-0 (Amended-technical)

**HB 384****HIGHER EDUCATION AUDITS (Schaffer, T., Duffey, M.)**

To specify that state institutions of higher education may be subject to performance audits conducted by the Auditor of State, to make changes to the operation of state programs, to modify the state tax laws, and to make capital and operating appropriations.

32-0 (Amended)

**HB 436****DUI SENTENCES (Cupp, R., Rogers, J.)**

To authorize a judge that grants limited driving privileges to a second-time OVI offender to order the termination of the mandatory immobilization

order.  
32-0

**HB 455**

**BOARDING SCHOOL ZONE (Patterson, J.,  
Roegner, K.)**

To authorize a municipal corporation or township to establish a boarding school zone and a special speed limit within that zone.

31-0 (Earlier REPORTED-AMENDED (No testimony))

**HB 505**

**BIOLOGICAL PRODUCTS (Huffman, S., Pelanda, D.)**

Regarding the regulation of biological products and the substitution of interchangeable biological products when dispensed by pharmacists.

Bill: 32-0; Emergency: 32-0

## **SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 27**

**FIREFIGHTER CANCER (Patton, T.)**

To provide that a firefighter who is disabled as a result of specified types of cancer is presumed for purposes of the laws governing workers' compensation and the Ohio Police and Fire Pension Fund to have incurred the cancer while performing official duties as a firefighter.

31-1

**SB 273**

**CORPORATE GOVERNANCE (Bacon, K.)**

To enact the Corporate Governance Annual Disclosure Act.

32-0

**SB 319**

**DRUG REGULATIONS (Eklund, J.)**

To revise certain laws regarding the regulation of drugs, the practice of pharmacy, the procedures used by pharmacy benefit managers, and the provision of addiction and mental health services.

32-0

**SB 331**

**STATEWIDE LAWS (Peterson, B.)**

To regulate the sale of dogs from pet stores and dog retailers, to require the Director of

Agriculture to license pet stores, and to revise the civil penalties applicable to dog breeders and other specified entities; to govern construction and attachment activities related to micro wireless facilities in the public way; to prohibit political subdivisions from establishing minimum wage rates different from the rate required by state law; to generally grant private employers exclusive authority to establish policies concerning hours and location of work, scheduling, and fringe benefits, unless an exception applies; to prohibit a person from engaging in sexual conduct with an animal and related acts, to provide for the seizure and impoundment of an animal that is the subject of a violation, and to authorize a sentencing court to require an offender to undergo psychological evaluation or counseling; to prohibit and establish an increased penalty for knowingly engaging in activities associated with cockfighting, bearbaiting, or pitting an animal against another; to remove the residency requirement for the appointment of an agent to a county humane society; and to make an appropriation.

21-10

**SB 332****INFANT MORTALITY (Jones, S., Tavares, C.)**

To provide for the implementation of recommendations made by the Commission on Infant Mortality and to authorize pharmacists to administer by injection certain prescribed drugs.

31-1

## **SENATE INSISTS ON ITS AMENDMENTS**

**HB 9****TAX EXPENDITURES (Boose, T.)**

To create a Tax Expenditure Review Committee for the purpose of periodically reviewing existing tax expenditures and to prohibit the Director of Administrative Services from making purchases by competitive sealed proposal without prior Controlling Board approval.

## **COMMITTEE HEARINGS**

**Transportation, Commerce & Labor****SB 249****ROOFING CONTRACTORS (Patton, T.)**

To require commercial roofing contractors to have a license.

**REPORTED (No testimony)**

**Civil Justice****HB 63****CHILD ABUSE REPORTING (Pelanda, D., Grossman, C.)**

To require mandatory reporters of child abuse or neglect to notify the county public children services agency when an attorney in fact under a document that purports to grant parental rights requests services from them, to require the agency to investigate the child's placement with the attorney in fact, and to require the agency to file a dependency complaint if it determines that the placement is unsafe for the child.

**SCHEDULED BUT NOT HEARD (Committee in recess until Thursday morning)**

**HB 235****CCW LICENSES (Terhar, L.)**

To waive the concealed carry license fee for active members of the armed forces and retired and honorably discharged veterans and to accept military experience with firearms as proof of competency with firearms regardless of when the applicant for a license acquired the experience.

**SCHEDULED BUT NOT HEARD (Committee in recess until Thursday morning)**

**HB 451****PROTECTION ORDERS (Boose, T.)**

To provide that an individual's statutory priority to decide whether or not to withhold or withdraw life-sustaining treatment for the individual's relative is forfeited if the individual is the subject of a temporary protection order or civil protection order and the relative is the alleged victim or if the individual and the relative are married and the parties to a divorce, dissolution, legal separation, or annulment proceeding.

**SCHEDULED BUT NOT HEARD (Committee in recess until Thursday morning)**

**HB 463****MORTGAGE FORECLOSURES (Dever, J.)**

To establish expedited actions to foreclose mortgages on vacant and abandoned residential properties, to permit private selling officers to conduct judicial and execution sales of real property, to state the intent of the General Assembly regarding mortgage foreclosure actions, to revise the Commercial Paper Law relating to mortgages and lost instruments, and to make other changes relative to foreclosure actions.

**SCHEDULED BUT NOT HEARD** (Committee in recess until Thursday morning)

**Medicaid****SB 243****STEP THERAPY (Lehner, P., Tavares, C.)**

To adopt requirements related to step therapy protocols implemented by health plan issuers and the Department of Medicaid.

**CONTINUED**

**Agriculture****HB 444****ALCOHOL SAMPLES (Blessing, L.)**

To allow certain D liquor permit holders to provide free tasting samples of beer, wine, and spirituous liquor to a person who is 21 years old or older and a paying customer of the permit holder.

**REPORTED-AMENDED**

**HB 580****MONTH DESIGNATION (Johnson, T., Huffman, S.)**

To designate the month of November as "One Health Awareness Month."

**REPORTED-AMENDED**

**Government Oversight & Reform****HB 34****HEALTH CARE COMPACT (Retherford, W., Boose, T.)**

To enter into the Health Care Compact.

**HB 347****CIVIL FORFEITURES (McColley, R., Brinkman, T.)**

To modify the laws governing criminal and civil asset forfeitures, to revise the procedures upon



a writ of execution of goods claimed by a person other than the defendant, and to establish the offense of receiving proceeds of a drug abuse, theft, or human trafficking offense and permit the state to file a civil action against the person who allegedly committed that offense under certain circumstances.

**REPORTED-AMENDED (No testimony)**

**HB 471**

**COMMISSION ELIMINATION (Brown, T.)**

To formally abolish certain boards and commissions that have completed their work and to abolish the Compact with Ohio Cities Task Force.

**HB 476**

**STATE CONTRACTING (Schuring, K.)**

To prohibit a state agency from contracting with a company that is boycotting Israel or disinvesting from Israel.

**REPORTED-SUBSTITUTE (See separate story)**

**HCR 32**

**EDUCATION ACT (McColley, R.)**

To urge the United States Congress to pass the ADA Education and Reform Act of 2015.

**REPORTED**

### **Criminal Justice**

**HB 172**

**CRIMINAL RECORDS (Barnes, J.)**

To enact the Fair and Accurate Reporting of Criminal Records Law, to require certain business entities that publish criminal record information to ensure that the information is complete and accurate, to provide a procedure by which a subject of published criminal record information may have incomplete or inaccurate information corrected or removed from the publication, and to provide remedies for the failure of a business entity to remove or correct incomplete or inaccurate information.

**REPORTED-AMENDED (No testimony)**

**HB 270**

**OVERDOSE DEATHS (Dever, J., Pelanda, D.)**

To provide that causing the death of another person by an overdose that results from the offender's sale, distribution, dispensation, or administration of a controlled substance or controlled substance analog is a violation of the

offense of involuntary manslaughter and to makes this provision a strict liability offense.  
CONTINUED

**HB 392**

**DOMESTIC VIOLENCE (Sykes, E., Kuhns, C.)**  
To authorize the issuance of dating violence protection orders with respect to conduct directed at a petitioner alleging dating violence, to provide access to domestic violence shelters for victims of dating violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that a petitioner alleging dating violence has the right to petition for a civil protection order.  
CONTINUED

**HB 405**

**IMPORTUNING (Schaffer, T., Smith, K.)**  
To amend the penalties for the offense of importuning.  
CONTINUED (No testimony)

**HB 439**

**VOYEURISM (Anielski, M.)**  
To include an impaired person as a victim of voyeurism and to include conduct involving an impaired person within the offenses of pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, and illegal use of a minor in a nudity-oriented material or performance.  
CONTINUED (No testimony)

**HB 521**

**PAROLE ELIGIBILITY (Manning, N.)**  
To provide special parole eligibility dates for persons with an indefinite or life sentence imposed for an offense committed when the person was less than 18 years of age, to require the Parole Board to consider specified mitigating factors in those cases, and to require notice to the Ohio Public Defender and prosecuting attorney prior to the parole consideration hearing.  
CONTINUED-AMENDED

**SB 316**

**SEXUAL IMPOSITION (Hughes, J.)**  
To increase the penalty for sexual imposition when the offender previously has been convicted of or pleaded guilty to three or more violations of sexual imposition or other

specified sex offenses.  
CONTINUED (No testimony)

## Energy & Natural Resources

**HB 554**

### RENEWABLE ENERGY (Amstutz, R.)

To revise the requirements for renewable energy, energy efficiency savings, and peak demand reduction and to revise provisions governing which customers can opt out of related programs.

CONTINUED (See separate story)

**SR 256**

### LAKE ERIE (Brown, E.)

To encourage support for the agreement reached between Ontario, Michigan, and Ohio regarding the reduction of phosphorous in the western basin of Lake Erie.

CONTINUED

**SCR 16**

### HOPEWELL EARTHWORKS (Hottinger, J., Peterson, B.)

To express support for the nomination of the Hopewell Ceremonial Earthworks as a United Nations Educational, Scientific, and Cultural Organization (UNESCO) World Heritage Site.

REPORTED (No testimony)

## State & Local Government

**HB 378**

### TRAFFIC ARRESTS (Hambley, S., Rezabek, J.)

To authorize law enforcement officers of township police districts and joint police districts, and township constables, serving specified small populations to make arrests for motor vehicle-related violations committed on an interstate highway in the same manner as township law enforcement officers serving larger populations.

REPORTED

**HB 520**

### RETIREMENT SYSTEMS (Schuring, K., Ramos, D.)

To revise the law governing the state's public retirement systems.

REPORTED

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## **OHIO REPORT WEDNESDAY, DECEMBER 7**

**Legislature Finalizes New Statewide Regulations Over Labor, Pet Store, Utility Issues**

**Measures On Drug Addiction, Infant Mortality Sent To Governor**

**Senate Approves Expansion Of CCW Law, Higher Ed Audit Measure, Others With End Of Session On Horizon**

**20-Week Abortion Bill Clears House Committee**

**Energy Freeze Bill Inches Closer To Expected Senate Floor Vote**

**House Panel Advances 'Education Deregulation' Bill Amid Teacher Licensure Concerns**

**Senate Panel Moves Amended Proposal Aimed At Groups Boycotting Israel**

**PUCO Ruling Paves Way For Submetering Regulation**

**Statehouse Honors Former Governor and U.S. Sen. George Voinovich**

**Mandel First Statewide Official Out Of The Blocks To Declare For Next Office**

**Term-Limited Justice Pfeifer Picked To Lead OJC**

## **Governor's Appointments**

### **Supplemental Agency Calendar**

#### **Senate Committee Hearings**

**Agriculture**

**Transportation, Commerce & Labor**

**Medicaid**

**Criminal Justice**

**State & Local Government**

**Energy & Natural Resources**

**Civil Justice**

**Government Oversight & Reform**

#### **House Committee Hearings**

**Government Accountability & Oversight**

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**Community & Family Advancement**

## **ACTIVITY REPORTS**

**House**

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## **CALENDARS**

## Day Planner

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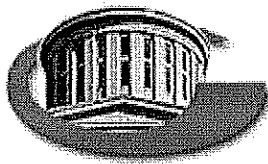
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## Senate Activity for Wednesday, December 7, 2016

PASSED

**HB FIREARMS (Maag, R.)** To modify the prohibition against carrying a concealed handgun onto institutions of **48** higher education, day-care facilities, aircraft, certain government facilities, public areas of airport terminals, and school safety zones, to allow a sheriff to use concealed handgun license fee revenue to purchase ammunition and firearms, and to authorize certain children's crisis care facilities to maintain firearms.

23-9 (Earlier REPORTED-AMENDED)

Gongwer Coverage

**HB MEDICAID SCHOOL PROGRAM (DeVitis, T.)** Regarding the Medicaid School Program.

**89**

30-1

Gongwer Coverage

**HB NURSES (Pelanda, D.)** To revise the law governing advanced practice registered nurses.

**216**

31-0

Gongwer Coverage

**HB CHIROPRACTORS (Schuring, K.)** To authorize chiropractors to engage in certain activities involving **276** nutrition-related items and therapies, nonprescription drugs, and medical goods and devices.

32-0

Gongwer Coverage

**HB PRESCRIPTION REFILLS (Sprague, R.)** To authorize pharmacists to dispense multiple refills of a **285** prescription simultaneously under certain circumstances.

32-0

Gongwer Coverage

**HB TOWING LAWS (Young, R., Sweeney, M.)** To require the Public Utilities Commission to establish towing **341** and storage fees and to review those fees every five years, to establish an after-hours fee for the retrieval of personal items from a motor vehicle that was towed from private property or otherwise upon the order of law enforcement, to modify the civil penalties applicable to violations of the towing law, to impose criminal penalties for the failure of a towing service to obtain a certificate of public convenience and necessity, to allow a repair garage, towing service, or storage facility to obtain a salvage certificate of title to a motor vehicle under specified circumstances, to alter notice requirements applicable to a salvage auction or pool



that obtains a salvage certificate of title for a motor vehicle, to establish a new civil action, and to make other changes to the towing law.

32-0 (Amended-technical)

Gongwer Coverage

**HB HIGHER EDUCATION AUDITS** (Schaffer, T., Duffey, M.) To specify that state institutions of higher **384** education may be subject to performance audits conducted by the Auditor of State, to make changes to the operation of state programs, to modify the state tax laws, and to make capital and operating appropriations.

32-0 (Amended)

Gongwer Coverage

**HBDUI SENTENCES** (Cupp, R., Rogers, J.) To authorize a judge that grants limited driving privileges to a **436** second-time OVI offender to order the termination of the mandatory immobilization order.

32-0

Gongwer Coverage

**HB BOARDING SCHOOL ZONE** (Patterson, J., Roegner, K.) To authorize a municipal corporation or **455** township to establish a boarding school zone and a special speed limit within that zone.

31-0 (Earlier REPORTED-AMENDED (No testimony))

Gongwer Coverage

**HB BIOLOGICAL PRODUCTS** (Huffman, S., Pelanda, D.) Regarding the regulation of biological products **505** and the substitution of interchangeable biological products when dispensed by pharmacists.

Bill: 32-0; Emergency: 32-0

Gongwer Coverage

SENATE CONCURS IN HOUSE AMENDMENTS

**SB FIREFIGHTER CANCER** (Patton, T.) To provide that a firefighter who is disabled as a result of specified **27** types of cancer is presumed for purposes of the laws governing workers' compensation and the Ohio Police and Fire Pension Fund to have incurred the cancer while performing official duties as a firefighter.

31-1

Gongwer Coverage

**SB CORPORATE GOVERNANCE** (Bacon, K.) To enact the Corporate Governance Annual Disclosure Act. **273**

32-0

Gongwer Coverage

**SB DRUG REGULATIONS** (Eklund, J.) To revise certain laws regarding the regulation of drugs, the practice **319** of pharmacy, the procedures used by pharmacy benefit managers, and the provision of addiction and mental health services.

32-0

Gongwer Coverage

**SB STATEWIDE LAWS (Peterson, B.)** To regulate the sale of dogs from pet stores and dog retailers, to require **331** the Director of Agriculture to license pet stores, and to revise the civil penalties applicable to dog breeders and other specified entities; to govern construction and attachment activities related to micro wireless facilities in the public way; to prohibit political subdivisions from establishing minimum wage rates different from the rate required by state law; to generally grant private employers exclusive authority to establish policies concerning hours and location of work, scheduling, and fringe benefits, unless an exception applies; to prohibit a person from engaging in sexual conduct with an animal and related acts, to provide for the seizure and impoundment of an animal that is the subject of a violation, and to authorize a sentencing court to require an offender to undergo psychological evaluation or counseling; to prohibit and establish an increased penalty for knowingly engaging in activities associated with cockfighting, bearbaiting, or pitting an animal against another; to remove the residency requirement for the appointment of an agent to a county humane society; and to make an appropriation.

21-10

Gongwer Coverage

**SB INFANT MORTALITY (Jones, S., Tavares, C.)** To provide for the implementation of recommendations **332** made by the Commission on Infant Mortality and to authorize pharmacists to administer by injection certain prescribed drugs.

31-1

Gongwer Coverage

## SENATE INSISTS ON ITS AMENDMENTS

**HB TAX EXPENDITURES (Boose, T.)** To create a Tax Expenditure Review Committee for the purpose of **9** periodically reviewing existing tax expenditures and to prohibit the Director of Administrative Services from making purchases by competitive sealed proposal without prior Controlling Board approval.

## COMMITTEE HEARINGS

## Agriculture

**HB ALCOHOL SAMPLES (Blessing, L.)** To allow certain D liquor permit holders to provide free tasting **444** samples of beer, wine, and spirituous liquor to a person who is 21 years old or older and a paying customer of the permit holder. (**REPORTED-AMENDED**; 2nd Hearing-All testimony-Possible amendments & vote)

Chair Hite amended the bill to exempt wineries from the measure. That was the sponsor's original intent with the legislation, he said.

Joe Rosato, director of government affairs for the Ohio Restaurant Association, testified in support.

The bill improves Ohio's existing tasting laws by letting customers try samples before purchasing a full glass. Under existing law, he said permit holders must charge customers for drinks, even if they don't meet with the customer's taste, he said. The change could help spur growth in the craft industry, and could boost overall economic activity.

**HB MONTH DESIGNATION (Johnson, T., Huffman, S.)** To designate the month of November as "One **580** Health Awareness Month." (**REPORTED-AMENDED**; 1st Hearing-All testimony-Possible amendments & vote)

Chair Hite won support for an amendment creating a malnutrition study commission to review malnutrition issues among older adults in health care settings. Sen. Gardner added that the language is identical to the provisions of SB 245, which the chamber approved unanimously in May.

The panel also adopted an amendment from Sen. Hite that establishes May 15 as "All for the Kids Awareness Day." The language, from SB 294, will increase awareness of a Mahoning Valley organization that raises funds for needy children, sponsoring Sen. Hite said.

Rep. Huffman offered brief sponsor testimony, telling members the bill would highlight the positive health relationship between humans and animals.

Jack Advent, executive director of the Ohio Veterinary Medical Association, testified in support. He said the designation would help enhance awareness of human and animal health issues, indicating that human health can sometimes be tied to animal health.

Transportation, Commerce & Labor

**HBOARDING SCHOOL ZONE** (Patterson, J., Roegner, K.) To authorize a municipal corporation or 455 township to establish a boarding school zone and a special speed limit within that zone. (**REPORTED-AMENDED (No testimony)**; 5th Hearing-All testimony-Possible amendments & vote)

The panel adopted amendments that:

--Allow airports and port authorities to conduct meetings via teleconference or interactive videoconference. That change was endorsed in written testimony by Greg Heaton, president of the Ohio Aviation Association, and;

--Grant more flexibility in setting speed limits on National Park highways. Sen. LaRose said the change addresses concerns that there is an artificially high speed limit in the Cuyahoga Valley National Park because the formula to set speed limits is tied to the number of secondary roads, driveways and other factors that don't exist in the park like they do across the rest of the state. The formula, he said, also doesn't consider recreational areas that have an exceptionally high number of bikers, hikers, anglers and more.

Sen. Manning added an omnibus amendment that includes a series of proposed special license plates and road namings to the bill.

Included in the amendment are special plates for conquer child cancer, University of Notre Dame, triple negative breast cancer awareness, IBPOEW, Down Syndrome Awareness and Buckeye Corvette. The road naming changes honor Patrol Trooper Kenneth Velez, U.S. Army Specialist Jason N. Cox, Air Force Master Sgt. William L. McDaniel II and James F. Dicke, Sr.

The panel also added a technical amendment that corrects a drafting issue tied to a license plate and memorial highway.

**SB ROOFING CONTRACTORS** (Patton, T.) To require commercial roofing contractors to have a license. 249 (**REPORTED (No testimony)**; 4th Hearing-All testimony-Possible amendments & vote)

Medicaid

**SB STEP THERAPY** (Lehner, P., Tavares, C.) To adopt requirements related to step therapy protocols 243 implemented by health plan issuers and the Department of Medicaid. (**CONTINUED**; 3rd Hearing-All testimony)

Dr. Timothy Chang, a dermatologist at MetroHealth in Cleveland and Clinical Assistant Professor at Case Western Reserve School of Medicine, testified in support on behalf of the Ohio Dermatological Association and the Ohio State Medical Association.

"Today's discussion on SB 243 is a critical step to ensure patients have access to their prescription medicines," he said. "Step therapy protocols have prevented dermatologists from prescribing drugs they know will provide the best treatment results in the most expeditious manner. Requiring patients to try and fail treatments jeopardizes the health of patients who may have an adverse reaction, potentially resulting in dangerous consequences, after taking an inappropriate drug."

"SB243 would preserve a provider's right to make treatment decisions in the best interest of the patient. Physicians know their patients' medical history, which enables them to identify potential contraindications and life-threatening adverse reactions," the doctor added.

"Retaining physicians' medical judgment in patients' treatment plans is a cost-effective way to prevent health care dollars from being used on medications that are not effective. It also prevents patients from a prolonged treatment that includes scheduling multiple visits to their physician and spending money on prescription medications that are not effective."

Nikki Domers, a volunteer representing the Arthritis Foundation, said in supporting the bill that step therapy is negatively impacting people diagnosed with arthritis by unnecessarily delaying access to proven drugs.

"Adults are diagnosed with arthritis every day, and so are children. Right now, many insurers have step therapy protocols in place where a patient can be required to try and fail as many as three or more medications for up to a year before they are able to receive the medication their physician prescribed in the first place," she said. "When this happens to arthritis patients, their joints, eyes, and even organs are put at risk. Their body keeps attacking itself, furthering damage that may not be reversed."

She shared the story of a child named Megan on behalf of her mother, who couldn't attend the hearing, and said she has a child with similar arthritic problems.

Megan was diagnosed with Polyarticular Juvenile Idiopathic Arthritis when she was just 20 months old and faced delays in getting approval for the biologic medication that ultimately sent her condition into remission, she said.

Ms. Domers cited an Arthritis Foundation survey that found 92% of respondents from Ohio supported legislation "to put reasonable limits on the use of step therapy."

"When it takes 3 months to a year to get critical medications prescribed by your physician that can prevent joint destruction, there needs to be a better exception process," she said.

Dr. Sarah Sams testified as a proponent for the Ohio Academy of Family Physicians.

"Step therapy requirements vary from insurer to insurer and change frequently even within the same insurance company," she said. "These requirements result in physicians and other practice staff spending hours each week on the phone attempting to obtain permission to get appropriate, needed medications for patients."

Dr. Sams said the American Academy of Family Physicians 2014 Practice Profile report indicated that family physicians spend 1.8 hours per week on prior authorization of insurance coverage, 7.7 hours per week on non face-to-face patient care issues, and 3.8 hours per week on other non-patient care tasks.

She provided the panel with examples of frustrating dealings with insurance companies, including an incident in which she was being required to prescribe a controlled substance as the next step despite a substance abuse problem with the family.

"Primary care physicians choose their specialty in order to be on the front lines of delivering comprehensive, continuous, coordinated care to patients. Insurance requirements and interference into the practice of medicine have become so burdensome that physicians are burned out," Dr. Sams said. "A recent survey of our members

indicated the severity of this problem - physicians are starting to hate what medicine has become because it is so far from why they chose to go into medicine in the first place."

Responding to a question from Sen. Cafaro, the witness said step therapy can result in additional costs such as office visits and tests.

Submitting written testimony in support were representatives of American Cancer Society Cancer Action Network, American Academy of Dermatology Association, Ohio Association of Rheumatology, Ohioans for Step Therapy Reform and American Diabetes Association.

Opponent testimony was provided by America's Health Insurance Plans and the Ohio Association of Health Plans.

Both groups raised concerns in written comments about the new limitations on step therapy in the bill and their potential to increase costs.

"Step therapy programs are valuable tools used by insurers to ensure that the safest, most cost-effective drugs are used before having to turn to riskier and more costly pharmaceuticals. Step therapy programs administered by Ohio's health plans are developed in alignment with FDA guidelines and clinical evidence," OAHF President and CEO Miranda Motter wrote.

"Imposing further restrictions on step therapy protocols threatens to increase health care costs for consumers and small business owners who maintain health care coverage for their employees."

**Subscribers Note:** Full testimony is posted on the [committee's website](#) under Dec. 7.

#### Criminal Justice

**HBCRIMINAL RECORDS (Barnes, J.)** To enact the Fair and Accurate Reporting of Criminal Records Law, to **172** require certain business entities that publish criminal record information to ensure that the information is complete and accurate, to provide a procedure by which a subject of published criminal record information may have incomplete or inaccurate information corrected or removed from the publication, and to provide remedies for the failure of a business entity to remove or correct incomplete or inaccurate information. **(REPORTED-AMENDED (No testimony); 2nd Hearing-All testimony-Possible amendments & vote)**

The committee accepted a handful of amendments, including those that roll into it other bills that would allow casino employees to gamble at facilities not owned by their employer (**SB 265**) and expunge the criminal records of human trafficking victims (**SB 284**).

An amendment offered by Sen. Eklund was accepted to insert severability language that would ensure that, if a court were to find portions of the bill unconstitutional, the remaining parts would still stand.

Chairman Eklund withdrew an amendment proposed on Tuesday that would amend a measure regarding voyeurism (**HB 439**) into the bill.

**HBOVERDOSE DEATHS (Dever, J., Pelanda, D.)** To provide that causing the death of another person by an **270** overdose that results from the offender's sale, distribution, dispensation, or administration of a controlled substance or controlled substance analog is a violation of the offense of involuntary manslaughter and to makes this provision a strict liability offense. **(CONTINUED; 2nd Hearing-All testimony-Possible amendments & vote)**

Robin Barton, whose daughter is clean after fighting a decade-long heroin addiction, urged lawmakers to support the bill.

The Ohio Prosecuting Attorneys Association also submitted brief written testimony in support of the legislation. The group specifically applauded changes that were made in the House to ensure that attorneys can push for manslaughter convictions when drug dealers' victims die from overdoses.

**HB DOMESTIC VIOLENCE (Sykes, E., Kuhns, C.)** To authorize the issuance of dating violence protection orders with respect to conduct directed at a petitioner alleging dating violence, to provide access to domestic violence shelters for victims of dating violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that a petitioner alleging dating violence has the right to petition for a civil protection order. (CONTINUED; 2nd Hearing-All testimony)

Cincinnati Councilwoman Yvette Simpson said she and other council members last year approved a resolution in support of the measure because it would modernize Ohio's domestic violence laws.

Ohio's current laws only protect families or household members who seek protection orders, but it's common for dating violence to occur between couples who don't live together, she said.

"The importance of the protective order is due to the danger that domestic violence victims face when leaving their attacker," Ms. Simpson said. "More than 70% of women are killed by an abuser when they attempt to leave or after they've left the relationship, meaning that the necessary step of leaving the relationship is by far the most dangerous."

Susan Tucker, outreach director for the Summit County domestic relations court, said the county saw a 12% increase in cases from last year. Many of those victims, she said, are dating violence victims.

One of the magistrates met with a woman who was pregnant with her alleged attacker's child but the court couldn't provide a protection order because they're not married and don't live together, Ms. Smith said.

Penny Smith, director of academic services and assistant professor at Northeast Ohio Medical University, and Jane Ragozine, a women's health nurse practitioner at Cleveland Clinic Akron General also testified in support of the bill.

Those who submitted written proponent testimony included: Victoria Morgan with She's Healed; Mickey Valdez, director of services for Victim Assistance Program; and Kelly DiBona with the Northeast Ohio Medical University Police Department.

**HB IMPORTUNING (Schaffer, T., Smith, K.)** To amend the penalties for the offense of importuning. 405 (CONTINUED (No testimony); 4th Hearing-All testimony-Possible amendments & vote)

**HB VOYEURISM (Anielski, M.)** To include an impaired person as a victim of voyeurism and to include conduct involving an impaired person within the offenses of pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, and illegal use of a minor in a nudity-oriented material or performance. (CONTINUED (No testimony); 3rd Hearing-All testimony-Possible amendments & vote)

**HB PAROLE ELIGIBILITY (Manning, N.)** To provide special parole eligibility dates for persons with an indefinite or life sentence imposed for an offense committed when the person was less than 18 years of age, to require the Parole Board to consider specified mitigating factors in those cases, and to require notice to the Ohio Public Defender and prosecuting attorney prior to the parole consideration hearing. (CONTINUED-AMENDED; 3rd Hearing-All testimony-Possible amendments)

The committee accepted an amendment that exempts from the bill those who, while juveniles, were convicted as adults for aggravated murder.

Erin Davies, executive director of the Juvenile Justice Coalition, said it's important to note that parole release is never guaranteed even if a hearing is permitted. She raised concerns with the amendment that was added.

Lynette Grace of Columbus was the victim of a stabbing 25 years ago, but has forgiven her attacker who was 16 years old at the time, she said. She asked that the panel approve the measure so that her attacker can have the possibility of being released from prison where he has been an exemplary inmate.

Nikola Nable-Juris, policy counsel with the Campaign for the Fair Sentencing of Youth, also supported the bill. However, she suggested an amendment that eliminates life-without-parole sentences for youth.

"By sentencing youth under eighteen to life in prison without parole, we as a society are sentencing children to die in prison," she said. "We condemn them for life for their worst adolescent acts rather than allowing them to demonstrate their capacity to grow and change."

She told Sen. Thomas that the original bill would have given parole hearings to youth after 15 years unless they're serving life sentences. The current version of the bill would give those inmates a chance for parole between years 15-35 except those who committed aggravated murder.

**SB SEXUAL IMPOSITION (Hughes, J.)** To increase the penalty for sexual imposition when the offender **316**previously has been convicted of or pleaded guilty to three or more violations of sexual imposition or other specified sex offenses. (CONTINUED (No testimony); 3rd Hearing-All testimony-Possible amendments & vote)

State & Local Government

**HB TRAFFIC ARRESTS (Hambley, S., Rezabek, J.)** To authorize law enforcement officers of township police **378**districts and joint police districts, and township constables, serving specified small populations to make arrests for motor vehicle-related violations committed on an interstate highway in the same manner as township law enforcement officers serving larger populations. (REPORTED; 1st Hearing-All testimony-Possible amendments & vote)

Rep. Hambley told the panel that there are no formal opponents to the bill that removes the distinction between large and small townships in regard to law enforcement authority on national highways.

Changes that were made to ensure all interested parties are on board with the measure, include removing a provision that would have granted township police departments to control national highways, he said.

The bill stems from an Ohio Supreme Court decision that found a township officer lacked statutory authority in a traffic stop on an interstate that resulted in the discovery of 120 oxycodone tablets, Rep. Hambley said.

"While our bill no longer addresses interstate highways, there have been many similar cases with the same verdict on state and U.S. routes," he said.

There are more than 1,300 townships in the state but just seven exceed the 50,000-resident threshold currently required for jurisdiction, Rep. Rezabek said. That means most townships can benefit from a code change.

Rep. Hambley told Sen. Yuko that some witnesses testified with concerns about "turf wars" because tickets generate revenue, but most townships don't get large amounts of funds from citations.

A number of supporters provided written testimony, including the Ohio Township Association, Ohio Association of Chiefs of Police and Philpott Solutions Group. Medina Township, Montville, Brunswick Hills, and Perkins Township police departments also submitted proponent testimony.

Medina Township Police Chief David L. Arbogast reiterated that the interest in gaining authority is not money related.

He noted that all law enforcement officers in the state are certified by the Ohio Peace Officers Training Council whether they work with the State Highway Patrol, or sheriff's, or village, city, or township police departments.

**HB RETIREMENT SYSTEMS (Schuring, K., Ramos, D.)** To revise the law governing the state's public **520**retirement systems. (REPORTED; 2nd Hearing-All testimony-Possible amendments & vote)

The state's four retirement systems provided written testimony in support of the bill.

The measure will "streamline our business processes and improve administrative efficiency-all with the intent to better serve our members," OPERS Executive Director Karen Carraher said.

The measure mainly touches on survivor benefits and the refund of accumulated contributions.

**Subscribers Note:** Complete testimony can be found on the committee's [website](#) under Dec. 7.

#### Energy & Natural Resources

**HBRENEWABLE ENERGY (Amstutz, R.)** To revise the requirements for renewable energy, energy efficiency **554**savings, and peak demand reduction and to revise provisions governing which customers can opt out of related programs. **(CONTINUED (See separate story); 1st Hearing-Sponsor & proponent-Pending referral)**

**SR LAKE ERIE (Brown, E.)** To encourage support for the agreement reached between Ontario, Michigan, and **256** Ohio regarding the reduction of phosphorous in the western basin of Lake Erie. **(CONTINUED; 1st Hearing-Sponsor)**

Sen. Brown said the resolution would encourage support for a critical phosphorous reduction agreement between Ontario, Michigan and Ohio.

"Over the past decade, toxic algal blooms have continued to rise in Lake Erie," Sen. Brown said. "Without implementing a plan that adequately addresses this issue, we are putting Ohio's families at risk. It also almost goes without saying that Lake Erie is enormously important not only for much of our drinking water but also for our tourist industry. We need to make it a point to protect this valuable resource for all that it provides to the people."

**SCRHOPEWELL EARTHWORKS (Hottinger, J., Peterson, B.)** To express support for the nomination of the **16** Hopewell Ceremonial Earthworks as a United Nations Educational, Scientific, and Cultural Organization (UNESCO) World Heritage Site. **(REPORTED (No testimony); 3rd Hearing-Possible vote)**

**Governor's Appointments:** The committee recommended full Senate approval of the appointment of Cynthia Hafner to the Environmental Review Appeals Commission.

**Subscribers Note:** For full testimony, see the [committee's website](#) under Dec. 7.

#### Civil Justice

**HBCCW LICENSES (Terhar, L.)** To waive the concealed carry license fee for active members of the armed **235**forces and retired and honorably discharged veterans and to accept military experience with firearms as proof of competency with firearms regardless of when the applicant for a license acquired the experience. **(SCHEDULED BUT NOT HEARD (Committee in recess until Thursday morning); 5th Hearing-All testimony-Possible amendments & vote)**

**HBPROTECTION ORDERS (Boose, T.)** To provide that an individual's statutory priority to decide whether or **451**not to withhold or withdraw life-sustaining treatment for the individual's relative is forfeited if the individual is the subject of a temporary protection order or civil protection order and the relative is the alleged victim or if the individual and the relative are married and the parties to a divorce, dissolution, legal separation, or annulment proceeding. **(SCHEDULED BUT NOT HEARD (Committee in recess until Thursday morning); 3rd Hearing-All testimony-Possible amendments & vote)**

**HBMORTGAGE FORECLOSURES (Dever, J.)** To establish expedited actions to foreclose mortgages on **463**vacant and abandoned residential properties, to permit private selling officers to conduct judicial and execution sales of real property, to state the intent of the General Assembly regarding mortgage foreclosure actions, to revise the Commercial Paper Law relating to mortgages and lost instruments, and to make other changes relative to foreclosure actions. **(SCHEDULED BUT NOT HEARD (Committee in recess until Thursday morning); 3rd Hearing-All testimony-Possible amendments & vote)**



**HBCCHILD ABUSE REPORTING** (Pelanda, D., Grossman, C.) To require mandatory reporters of child abuse or neglect to notify the county public children services agency when an attorney in fact under a document that purports to grant parental rights requests services from them, to require the agency to investigate the child's placement with the attorney in fact, and to require the agency to file a dependency complaint if it determines that the placement is unsafe for the child. (**SCHEDULED BUT NOT HEARD (Committee in recess until Thursday morning)**; 3rd Hearing-All testimony-Possible amendments & vote)

#### Government Oversight & Reform

**HB HEALTH CARE COMPACT** (Retherford, W., Boose, T.) To enter into the Health Care Compact. **34** (**SCHEDULED BUT NOT HEARD**); 3rd Hearing-All testimony-Possible amendments & vote)

**HBCIVIL FORFEITURES** (McColley, R., Brinkman, T.) To modify the laws governing criminal and civil asset forfeitures, to revise the procedures upon a writ of execution of goods claimed by a person other than the defendant, and to establish the offense of receiving proceeds of a drug abuse, theft, or human trafficking offense and permit the state to file a civil action against the person who allegedly committed that offense under certain circumstances. (**REPORTED-AMENDED (No testimony)**; 5th Hearing-No testimony-Possible amendments & vote)

The legislation was amended to lower the threshold from \$25,000 to \$15,000 and index the figure to inflation, removes restrictions on what law enforcement agencies can do with seized money and expands the offenses for which civil asset forfeiture can still take place.

Following the changes, Sen. Skindell remarked that he is unsure of how similar the bill is to the one that was originally introduced.

Sen. Seitz acknowledged that it is "somewhat weaker."

"It is a marked improvement over current law," he said, before adding, "We're fighting against some very headstrong people. When you mess with people's money they get very antsy."

**HBCOMMISSION ELIMINATION** (Brown, T.) To formally abolish certain boards and commissions that have completed their work and to abolish the Compact with Ohio Cities Task Force. (**SCHEDULED BUT NOT HEARD**); 5th Hearing-No testimony-Possible amendments & vote)

**HBSTATE CONTRACTING** (Schuring, K.) To prohibit a state agency from contracting with a company that is boycotting Israel or disinvesting from Israel. (**REPORTED-SUBSTITUTE (See separate story)**; 2nd Hearing-All testimony-Possible amendments & vote)

**HBFIREARMS** (Maag, R.) To modify the prohibition against carrying a concealed handgun onto institutions of higher education, day-care facilities, aircraft, certain government facilities, public areas of airport terminals, and school safety zones, to allow a sheriff to use concealed handgun license fee revenue to purchase ammunition and firearms, and to authorize certain children's crisis care facilities to maintain firearms. (**REPORTED-AMENDED**); 5th Hearing-No testimony-Possible amendments & vote)

Although an amendment proposed by Sen. Brown to exempt daycare facilities from the measure was tabled in a party-line vote, another which gives them the option to allowed concealed weapons was added to the measure. Penalties for those who carry concealed weapons into daycare facilities where they are forbidden would revert to current law.

The bill was also amended to exempt law enforcement facilities, government facilities with secure entrances and to allow peace officer to carry firearms in safe zones.

Other changes include a clarification that it is a university's board of trustees that makes the decision on whether concealed firearms can be carried on campus, not a student governing body, and that replica guns are permitted in schools for the purpose of safety training.

"The new legislative analysis that will be created will be very interesting to see what this committee just actually did," Sen. Skindell said following the changes.

**HCR EDUCATION ACT (McColley, R.)** To urge the United States Congress to pass the ADA Education and Reform Act of 2015. (**REPORTED**; 2nd Hearing-All testimony-Possible vote)

Kelly Casto, assistant manager at CASTO, told the committee that the legislation could help her company and others avoid costly lawsuits.

In the past three years, she told the panel, her company has faced eight ADA lawsuits, all filed by the same individual.

"Ensuring full access for everyone is something we want to ensure and protect. This can be accomplished without turning the ADA into a money-making operation. Those taking advantage of the ADA need to be stopped and HCR 32 will help that ultimate goal. Allowing for notification and remedial action if needed before a lawsuit being filed will help protect Ohio businesses like mine and achieve the true intent of the ADA," she said.


Lori Bongiorno, an architect at M+A Architects, told the panel in written testimony that her company has run into the same problem.

"We all want our projects to be accessible to everyone and go beyond usual measures to make sure this is the case. There is no variances allowed under the ADA," she said. "A mirror one-fourth of an inch off is a violation. HCR 32 urges Congress to pass common sense updates to the ADA. Allowing a property owner to address such minor issues is good for business and to protect the true intent of the ADA."

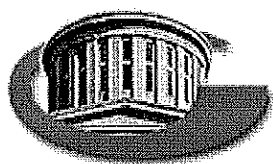
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## House Activity for Wednesday, December 7, 2016

### INTRODUCED

**HBMBE PROGRAM** (Boyce, K.) To specify that certain products, services, and supplies, to be purchased by **627** the state through competitive selection, are eligible to be set aside for competition by only minority business enterprises and to clarify that plans prepared by an architect or engineer are not required for such purchases. Am. 125.081 and 153.01.

### PASSED

**SB FIREFIGHTER CANCER** (Patton, T.) To provide that a firefighter who is disabled as a result of specified **27** types of cancer is presumed for purposes of the laws governing workers' compensation and the Ohio Police and Fire Pension Fund to have incurred the cancer while performing official duties as a firefighter.

72-20

Gongwer Coverage

**SB CORPORATE GOVERNANCE** (Bacon, K.) To enact the Corporate Governance Annual Disclosure Act. **273**

**77-7** (Earlier REPORTED-AMENDED)

Gongwer Coverage

**SB FLU VACCINE** (Patton, T.) To require the Ohio Department of Health to prepare an influenza vaccine **311** information sheet pertaining to older adults.

69-15 (Earlier REPORTED)

Gongwer Coverage

**SB DRUG REGULATIONS** (Eklund, J.) To revise certain laws regarding the regulation of drugs, the practice **319** of pharmacy, the procedures used by pharmacy benefit managers, and the provision of addiction and mental health services.

85-3 (Brinkman, Vitale & Zeltwanger)

Gongwer Coverage

**SB INFANT MORTALITY** (Jones, S., Tavares, C.) To provide for the implementation of recommendations **332** made by the Commission on Infant Mortality and to authorize pharmacists to administer by injection certain prescribed drugs.

81-7

Gongwer Coverage

## CALENDAR FOR COMING SESSION

**SB SUNSET REVIEW** (Jordan, K., Faber, K.) To require standing committees of the General Assembly to **329** establish a schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet.

(Set for Thursday, Dec. 8 House floor vote)

## INFORMALLY PASSED

**SB PROTECTION ORDERS** (Bacon, K., Manning, G.) To provide that service of a protection order or **76** consent agreement upon a person is not necessary for the person to be convicted of the offense of violating a protection order if the person had actual notice of the order or agreement and the person recklessly violated its terms.

**SB CONCEALED HANDGUNS** (Uecker, J., Gardner, R.) To specify that an active duty member of the U.S. **199** Armed Forces: (1) does not need a concealed handgun license to carry a handgun concealed if the member is carrying valid military identification and documentation of successful completion of specified firearms training; and (2) may be sold or furnished a handgun if the member has received specified firearms training; and to prohibit an employer from discharging or otherwise discriminating against a person with a concealed handgun license who possessed a firearm within the person's private real property or motor vehicle.

## Gongwer Coverage

**SB ROAD NAMING** (Coley, B.) To designate a portion of State Route 73 in Butler County as the "SPC James **207**E. Hall Jr. Memorial Highway."

**SB REAL PROPERTY** (Seitz, B., Skindell, M.) To create a presumption of validity of recorded real property **257** instruments, reduce the time period for curing certain defects related to those instruments, and provide constructive notice for those instruments.

**SB AWARENESS MONTH** (Yuko, K.) To designate September as "Pain Awareness Month." **291**

**HB RECORD EXPUNGEMENT** (Schuring, K., Reece, A.) To provide for the expungement of official records **618** related to the apprehension, arrest, criminal charging, or trial of a person based on mistaken identity.

## COMMITTEE HEARINGS

### Government Accountability & Oversight

**HB HEARING BROADCASTS** (Retherford, W., Ramos, D.) To require the Ohio Government **108** Telecommunications service to broadcast all standing committee meetings of the Ohio House of Representatives as they occur. (**CONTINUED**; 1st Hearing-Sponsor)

Rep. Retherford, anticipating there will be no further action on the bill, urged lawmakers to consider the idea during the next General Assembly.

In addition to benefiting constituents, Rep. Retherford said, the idea would also assist lawmakers who can struggle to keep up with various overlapping committees.

"Of course all written testimony is available now, but how much better would it be to be able to go and watch the Q&A of testimony or even to be able to go back and refresh your memory?" he said. "By providing this service to ourselves and to our constituents, we can make the process even better."

In written testimony, Rep. Ramos called the filming of committee meetings "long overdue." He said the filming of House Finance & Appropriations Committee meetings have demonstrated the value of this proposal.

"We have been assured by the Ohio Channel that their current funding is sufficient in achieving this goal and as such we do not expect a cost to taxpayers in this regard," Rep. Ramos said. "Furthermore, the audio and video equipment for this endeavor has been purchased and in some cases is already in use."

Rep. Pelanda called the idea something "all of us would like to accomplish," but questioned whether there would be an increased cost from archiving footage.

**HBPUCO MEMBERSHIP (Leland, D.)** To require that each major political party be represented on the Public Utilities Commission, to specify that not more than three commissioners may belong to or be affiliated with the same major political party, and to require that Public Utilities Commission Nominating Council lists of nominees include individuals who, if selected, ensure that each major political party is represented on the Commission. (CONTINUED; 1st Hearing-Sponsor)

Rep. Leland said support for his bill to boost minority representation on the Public Utilities Commission of Ohio would be support for bipartisan government.

"The prevailing practice has been for the governor's party to hold the majority of the commission seats with the remaining seats going to the opposition party," he said. "This has not been the practice in recent years."

He said the recent Senate rejection of Democratic appointee Howard Petricoff underscores the need for this bill. Without Mr. Petricoff, who will resign Dec. 31, the remaining four seats are filled by Republicans and independents.

"The citizens of Ohio are always better served when there are the checks and balances present that only bipartisanship can provide," he said. "Let's take our experience here. There is never a question of the ultimate vote, but the process we go through is strengthened by having bipartisan input."

Responding to Rep. Curtin, Rep. Leland said he and his staff found one other period of time in the state's history in which a major party wasn't represented on the PUCO. But he said that was due to a change in administration and commissioner terms.

"This is the first time we've had a concentrated effort basically to maintain single party control on the Public Utilities Commission since its inception in 1913," Rep. Leland said.

**HBJOBSONIO (Johnson, G., Smith, K.)** To allow the Auditor of State to conduct full audits of JobsOhio, to require all nonprofit economic development corporations that receive public funds to make annual disclosures related to both their public and private funds, and to require that JobsOhio submit a quarterly progress report detailing all of its active projects. (CONTINUED; 1st Hearing-Sponsor)

The sponsors said their bill would strengthen the public and the legislature's oversight of JobsOhio by enabling audits and enhancing reporting requirements.

"HB 506 would help ensure these dollars are being used efficiently and effectively to best serve the people of Ohio," Rep. Greta Johnson said. "It would eliminate the current practice of a private audit and internal reports by allowing the state auditor to conduct public audits, as he has repeatedly requested to do."

Rep. Kent Smith said Ohio's recent economic performance lends support to their argument.

Since JobsOhio was founded in 2011, "Ohio still has a poverty rate above the national average," he said. "So this state is clearly in need of something that will transform its economy."

He argued that JobsOhio has not been forthcoming in answering his questions and that Ohio Supreme Court Justice William O'Neill issued a dissenting opinion calling the group a "dark hole" operating without "public

scrutiny." In that opinion, the justice said he has little doubt the constitutionality of JobsOhio will be raised again before the court in the future.

**HB STATE INSTITUTIONS (Lepore-Hagan, M., Gerberry, R.)** To establish provisions regarding the possible closing, sale, or privatization of state institutional facilities. **(CONTINUED; 1st Hearing-Sponsor)**

Rep. Lepore-Hagan said the bill is a response to a 2015 decision to close the Youngstown Development Center, which serves 86 developmentally disabled residents and is slated for closure no later than July 1, 2017.

She said many of her constituents disagree with the decision to close the facility, which officials said was based on a desire to enhance residents' growth experiences and grant more freedom.

"Many constituents do not agree with this assessment," she said.

The bill would grant the governor discretion to determine which agency's institutional facilities should be closed, sold or privatized. The General Assembly would then be notified of the decision and its rationale, including additional information if the rationale pertains to savings.

The bill would create a State Facilities Closure Commission, which would then investigate and report its findings on the governor's decision.

"Upon providing the report, the commission ceases to exist," Rep. Lepore-Hagan said. "This commission would host 13 members to the committee and provide adequate representation for both the majority and minority parties from the House and Senate, members with experience in the work from the Target Agency, a representative from the employees' association, the director of Budget and Management or the director's designee, and the director or other agency head of the target state agency or the director's or agency's head's designee."

**SB CAMPAIGN FINANCE REPORTS (LaRose, F.)** To require certain campaign committees and other entities to file campaign finance statements electronically and to require the Secretary of State to make the information in those statements available online. **(REPORTED (No testimony); 3rd Hearing-All testimony-Possible amendments & vote)**

**SB CORPORATE GOVERNANCE (Bacon, K.)** To enact the Corporate Governance Annual Disclosure Act. **273 (REPORTED-AMENDED (No testimony); 4th Hearing-All testimony-Possible amendments & vote)**

The committee adopted an amendment adding language stating that an Ohio insurer or insurance group of which an insurer is a member, which had an annual, direct written and unaffiliated assumed premium totaling more than \$5 billion as of Dec. 31, 2015, must submit to the superintendent of the Department of Insurance a corporate governance annual disclosure no later than June 1, 2017.

Both the amendment and the bill passed out of committee unanimously.

**HCR PETE ROSE (Kuhns, C., Sheehy, M.)** To urge the Commissioner of Major League Baseball to remove Peter Edward "Pete" Rose from Major League Baseball's permanently ineligible list as soon as possible and to urge the Baseball Writers' Association of America and the National Baseball Hall of Fame to include Rose on the Hall of Fame ballot. **(CONTINUED; 1st Hearing-Sponsor)**

Rep. Sheehy described Pete Rose as a proud Ohioan "who has well paid his dues for a regrettable action so many years ago."

The resolution would urge the Major League Baseball commissioner to remove the former athlete from the league's permanently ineligible list and ask the Baseball Writer's Association of America to include him on its Hall of Fame ballot.

Mr. Rose landed on the ineligible list in 1989 when an MLB investigation determined he had bet on Cincinnati Reds games while managing that team.

**Subscribers Note:** For full testimony, see the [committee's website](#) under Dec. 7.

#### Finance

**SB PROPERTY TAXES** (Beagle, B., Coley, B.) To exempt from property tax the increased value of property **235** on which industrial or commercial development is planned until the completion of new commercial or industrial facilities at the property. (CONTINUED (No testimony; Set for Thursday, Dec. 8 House floor vote); 6th Hearing-All testimony-Possible amendments & vote)

**SB PET STORES** (Peterson, B.) To regulate the sale of dogs from pet stores and dog retailers and to require the **331** Director of Agriculture to license pet stores. (REPORTED-AMENDED (Set for Thursday, Dec. 8 House floor vote); 4th Hearing-All testimony-Possible amendments & vote)

The committee voted 20-11 to report the bill after adopting an amendment offered by Rep. McColley making what he described as small changes to the provision dealing with small cell wireless antennas.

Reps. Duffey and Rezabek joined nine Democrats in voting against reporting the bill.

Rep. Duffey said city officials in Worthington urged him to oppose the bill because they feared it would severely limit local governments' ability to regulate the placement of the antennas.

Jon Kelly, counsel for AT&T, said the bill would eliminate a patchwork of municipal policies regarding small cell antennas and streamline the process by which wireless companies can expand their networks using the devices.

"It will clear existing roadblocks to ensure that carriers are able to provide additional network coverage in the most efficient way possible," he said.

Answering a question from Rep. Sprague, Mr. Kelly said the bill would likely move Ohio up on the list of states slated for network expansion projects.

"Ohio would be one of the first states to enact what we would consider a model bill that would try to address what we have identified as problems all around the country," he said.

Rep. Antonio asked about the ability of municipalities to have control over the placement of the antennas. Mr. Kelly said there will be a permit process, and that will allow local officials to have conversations with companies about the devices.

"There will be much flexibility," he said. "This isn't a carte blanche that cuts the municipalities out of it altogether. It streamlines the permitting process. It puts some parameters around it."

Corey Roscoe, state director for the Humane Society of the United States, who testified earlier in opposition to the provision dealing with pet stores, said she was disappointed no changes were made to that part of the bill.

"It will make it easier for puppy mills to sell their dogs in Ohio," she said.

Asked by Rep. Hall if she supported provisions dealing with cockfighting and bestiality, she said she supported those protections for animals, but could not support the bill because of the preemption of municipal ordinances regarding pet stores.

The NFIB/Ohio expressed support for the bill in written testimony, praising amendments that would reduce the ability of municipalities to create their own standards regarding wages, scheduling notification and other labor issues.

"Permitting municipalities to establish varying, contradictory rules makes compliance for any small business challenging," Executive Director Roger Geiger and Legislative Director Christopher Ferruso wrote. "For our members operating in multiple jurisdictions, differing wage, scheduling and benefit laws not only causes confusion, it creates disparity amongst similarly situated employees. Further, a patchwork of laws that mandate workplace policies eliminates the flexibility employers and their employees enjoy to design a benefit and compensation package that balances economic reality with employee needs."

The Ohio Manufacturers' Association also submitted written testimony in support of the changes.

"These protections will ensure that Ohio's manufacturing outlook remains competitive within the country and allows our state to compete on a global scale," the group said.

#### Education

**HB ACADEMIC DISTRESS COMMISSIONS** (Lepore-Hagan, M.) To the operation of academic distress **379** commissions and to modify the earmarked funding for the establishment of academic distress commissions. (CONTINUED; 1st Hearing-Sponsor)

Rep. Lepore-Hagan said the bill is in response to a measure that led to a CEO being installed in Youngstown City Schools.

She and Sen. Schiavoni met with community members to craft the legislation that would expand academic distress commissions to include three superintendents, two teachers, one parent, and one mayoral appointee.

The bill also creates 11-member school action teams and delays CEO discretion for one year as teachers and students transition to the new setup.

It would further require open meetings to be conducted between the commission and CEO and the CEO to have at least 10 years of educational experience working in impoverished communities.

"The overall jurisprudence of this law would not be to repeal House Bill 70 or take the CEO's control away from the district. Rather, the bill further seeks to increase community involvement and communication amongst the school system," Rep. Lepore-Hagan said. "The layering of community involvement, alongside the improvements made by the CEO, would demonstrate a holistic, responsible approach to guiding the Youngstown City Schools out of academic distress."

**HB MILITARY STUDENTS** (Boccieri, J.) To enact the "Student to Soldiers Support Act (S3A)" regarding the **496** participation of students who are serving in the uniformed services in extracurricular activities at public and nonpublic schools and public and private colleges. (CONTINUED; 1st Hearing-Sponsor)

Rep. Boccieri, who serves as commander of the Air Force Reserve 757 Airlift Squadron at the Youngstown Air Reserve Station, said the bill stems from his experience with a young recruit who was being denied the opportunity to take part in extracurricular activities because of her service.

That student attended mandatory training before leaving for boot camp and missed a basketball practice so she was benched for the next game, the sponsor said. After learning of the situation, however, the coach issued a public apology.

"This incident highlighted a weakness in our military service protection laws," he said.

The Uniformed Services Employment and Reemployment Rights Act of 1994 guarantees that uniformed service members are not disadvantaged or discriminated against in their careers as a result of military obligations, but it only applies to employees who are paid for work, Rep. Boccieri said.

"We should never put individuals serving or attempting to serve our country in a situation where they do not feel supported by their community," he said. "The Students to Soldiers Support Act would guarantee that high school



and college students participating in extracurricular and other school activities do not face any consequences for keeping their military obligations."

He added that there is a provision in the bill to ensure that it doesn't preempt existing NCAA regulations related to college athletics.

He told Rep. Fedor that he's worked with a number of military organization and the Ohio High School Athletics Association and there is no known opposition to the bill.

Answering additional questions from the panel about how the protections would be applied, Rep. Bocchieri said coaches would not necessarily be required to let students play, but would not be able to exclude them from participating.

Any district that doesn't permit students to take part in sanctioned activities could face the ire of the community, he said.

**SB EDUCATION LAWS** (Hite, C., Faber, K.) To exempt high-performing school districts from certain laws; to **33** revise the law regarding the administration of state primary and secondary education assessments; to permit school districts to contract with hospitals, health care professionals, and educational service centers for school health services; to revise the competitive bidding threshold for school building and repair contracts; and to require the School Facilities Commission to develop a legislative proposal assisting high-performing school districts in purchasing technology, building expansion, and physical alterations to improve school safety or security. (**REPORTED-AMENDED** (See separate story); 6th Hearing-Possible amendments & vote)

#### Health & Aging

**HB CONTRACEPTION COVERAGE** (Lepore -Hagan, M., Bishoff, H.) Regarding coverage for prescription **132** contraceptive drugs and devices, the provision of certain hospital and pregnancy prevention services for victims of sexual assault, and comprehensive sexual health and sexually transmitted infection education in schools. (**CONTINUED**; 1st Hearing-Sponsor)

Written sponsor testimony was submitted by Rep. Lepore-Hagan. She said the legislation is focused on preventing unintended pregnancies through comprehensive sexual health education and greater access to contraception.

**HB STUDENT IMMUNIZATIONS** (Ramos, D.) To make changes to the law governing immunizations for **564** pupils. (**SCHEDULED BUT NOT HEARD**; 1st Hearing-Sponsor)

Removed from agenda at sponsor's request.

**SB FLU VACCINE** (Patton, T.) To require the Ohio Department of Health to prepare an influenza vaccine **311** information sheet pertaining to older adults. (**REPORTED**; 1st Hearing-All testimony-Possible vote)

Sen. Patton said the purpose of the bill is to make information about influenza vaccines more readily available for older Ohioans living in institutional settings. He explained the bill would require each skilled nursing, assisted living, and independent living facility to post influenza vaccination information in a conspicuous public place no later than August 1 of each year. He assured committee members there is no requirement that residents of such facilities be immunized and there is no penalty for the nursing home provider not complying with the posting requirement.

Rep. Butler questioned whether the required information from the Ohio Department of Health would be redundant with the information provided by the federal Centers for Disease Control. Sen. Patton said the state posting would be designed to better capture the attention of residents living in those facilities. Rep. Bishoff questioned whether the posting would acknowledge the risks associated with the vaccination. Sen. Patton answered that the posting would indicate that patients should consult their physician to determine the appropriateness of the immunization.

Reps. Bishoff, Butler and Merrin voted against the bill.

Anthony DiBiase, representing Ohio Advocates for Medical Freedom, expressed opposition to the bill in its current form and offered suggestions for improvement. He claimed the bill to be biased in that it does not paint the full picture of the influenza vaccine. He added the bill does not mention language pertaining to education material of side effects, adverse effects and ingredients to the flu vaccine. "The influenza vaccine is a pharmaceutical product and, therefore, comes with recognized risks," he said.

Donna Jo Kazee of Columbus, expressed opposition, saying it appears to be "frivolous, superfluous, psychologically manipulative and dismissive of real risks and data." She said because residents are already offered annual influenza vaccinations, it seems like a waste of taxpayer money to develop a sheet for something that is treated much like a mandatory procedure already. She noted a posted notice highlighting the rates of hospitalization and death, coupled with the provision that each adult consult with a health care professional seems superfluous and a near deliberate attempt to fear-monger and push a product onto older adults.

Written support for the bill was submitted by Beth Bickford on behalf of the Association of Ohio Health Commissioners, Kelli Hykes of the Columbus Department of Public Health, and Kathryn Brod of LeadingAge Ohio.

**SB AWARENESS DAY (Jones, S.)** To designate May 1 as "Fanconi Anemia Awareness Day." (**REPORTED-312**) **AMENDED**; 1st Hearing-All testimony-Possible amendments & vote)

Following Sen. Jones's sponsor presentation and the adoption of an amendment to add two additional day designations, the committee unanimously voted to report the measure. Sen. Jones said Fanconi Anemia is a rare inherited genetic disease that causes bone marrow failure with those afflicted having a life expectancy of 33 years. She said the bill would carry on the work of a constituent - Samantha - who lost her battle with the condition after 11 years. The sponsor said during those 11 years, Sam worked to raise awareness and build support for organizations working to find new treatments and provide support for patients and families.

Community & Family Advancement

**HB ABORTION (Celebrezze, N., Johnson, G.)** To permit using state resources to provide abortion care. **356** (**SCHEDULED BUT NOT HEARD**; 1st Hearing-All testimony)

**HB ABORTION WAITING PERIOD (Johnson, G., Smith, K.)** To remove waiting-period restrictions on when **357a** a woman can obtain an abortion and to repeal requirements governing the provision of notice to a woman's relative, custodian, or guardian, if the woman is seeking an abortion and is pregnant, unmarried, a minor, and unemancipated. (**CONTINUED**; 1st Hearing-All testimony)

Rep. Smith said the 24-hour waiting rule that applies to abortions in the state is an "undue burden on Ohio women seeking to have a legal and safe abortion."

"These are not easy decisions to make, but the female seeking this procedure is the best person to make this choice and she should not be second guessed by the members of this or any future General Assembly," he said.

Rep. Johnson said the bill keeps intact requirements that physicians inform women seeking abortions of medical and other information.

Requiring women to wait 24 hours after they receive that information to receive an abortion rarely deters them from moving forward with the procedure, she said.

She also said women who don't want to wait to get an abortion typically do so in a state, such as Michigan, that doesn't have a waiting period.

"House Bill 357 aims to address these real economic concerns without impeding upon the patient-doctor relationship or medically imperative protocol," she said.

**HB AMBULATORY FACILITIES** (Clyde, K., Fedor, T.) To eliminate the requirement for a written transfer agreement or variance for ambulatory surgical facilities. (**SCHEDULED BUT NOT HEARD**; 1st Hearing-All testimony)

**HB PREGNANCY PROGRAM** (Boyd, J., Sykes, E.) To require entities funded through the Ohio Parenting and Pregnancy Program to provide only medically accurate information. (**SCHEDULED BUT NOT HEARD**; 1st Hearing-All testimony)

**HB PAY DISPARITY** (Driehaus, D., Howse, S.) To create the Gender Pay Disparity Task Force. **385** (**CONTINUED**; 1st Hearing-All testimony)

Women make up half of the state's workforce and are typically paid less than their male counterparts, Reps. Howse and Driehaus said in written testimony.

That warrants investigation, the pair said, because women are the primary breadwinners in more than 604,000 Ohio households and about 35% of those families have income levels below the poverty level.

"(Women's) dollars, more now than ever, significantly contribute to our state's economic prosperity," they said.

Ohio ranks 42<sup>nd</sup> in the nation for pay equality, they said. Men working full-time, year-round jobs make an average of \$47,737 in the state while women average \$37,140 for the same number of hours.

The wage gap for African American women is even larger, the sponsors said. They make an average of 66 cents to ever dollar paid to white non-Hispanic men.

"Pay disparities for women exist across all industries, operations and education levels," the sponsors said. "Ohio has an opportunity to say that we don't stand for discrimination of any kind. The passage of House Bill 385 would take important steps towards ensuring that Ohio women and families are no longer left behind."

The task force would be charged with determining the extent of the pay disparity, identifying its cause, and developing recommendations to eliminate it, the sponsors said.

**HB FOSTER CARE** (Boyd, J., Rezabek, J.) To provide foster care maintenance payments for children in the care of a kinship caregiver without requiring the caregiver to be certified to provide foster care and to require, rather than permit, the creation of the statewide program of kinship care navigators. (**CONTINUED**; 2nd Hearing-All testimony)

Mary Wachtel, legislative director for the Public Children Services Association of Ohio, said in written testimony the bill would help make relatives, such as grandparents, who take over care of children more aware of the services available to help them.

"Many kinship caregivers do not know what helps and support are available," she said. "Sub HB 458 would establish a statewide kinship navigator program to provide guidance, information and referral, and help obtaining services for which these caregivers are eligible. I can personally attest to the value of such a program as PCSAO receives frequent phone calls from kinship families who are struggling to care for the child or children they have taken in.

"Many of these families that I talk to do not know where to turn for help and are struggling," she continued. "They want to keep doing the right thing and need help."


**SB ABORTION** (Lehner, P., Hottinger, J.) To prohibit the performance of an abortion on a pregnant woman when the probable post-fertilization age of the unborn child is twenty weeks or greater. (**REPORTED-AMENDED** (See separate story) (Set for Thursday, Dec. 8 House floor vote); 4th Hearing-Possible amendments & vote)

**Subscribers Note:** For full testimony, see the [committee's website](#) under Dec. 7.

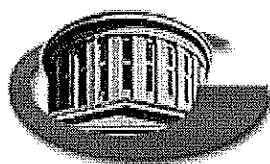
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## Daily Activity Planner for Thursday, December 8

### Legislative Committees

**House Government Accountability & Oversight** (Committee Record) (Chr. Blessing, L., 466-9091), Rm. 114, 8:30 a.m.

**SB SUNSET REVIEW** (Jordan, K., Faber, K.) To require standing committees of the General Assembly to **329** establish a schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet. (3rd Hearing-Possible amendments & vote)

**Senate Ways & Means** (Committee Record) (Chr. Peterson, B., 466-8156), South Hearing Rm., 8:30 a.m.

- Agenda to be announced

**House Finance** (Committee Record) (Chr. Smith, R., 466-1366), Rm. 313, 9 a.m.

**SB PROPERTY TAXES** (Beagle, B., Coley, B.) To exempt from property tax the increased value of property **235** on which industrial or commercial development is planned until the completion of new commercial or industrial facilities at the property. (7th Hearing-All testimony-Possible amendments & vote)

~~Canceled: **Ohio Retirement Study Council** (Committee Record) (Chr. Beagle, B., 228-1346), Rm. 121, 9 a.m.~~

**Senate Energy & Natural Resources** (Committee Record) (Chr. Balderson, T., 466-8076), Finance Hearing Rm., 9 a.m.

**SB OIL & GAS LAW** (Schiavoni, J.) To revise enforcement of the Oil and Gas Law, including increasing **120** criminal penalties and requiring revocation of permits for violations of that Law relating to improper disposal of brine. (1st Hearing-Sponsor)

**HBRENEWABLE ENERGY** (Amstutz, R.) To revise the requirements for renewable energy, energy efficiency **554** savings, and peak demand reduction and to revise provisions governing which customers can opt out of related programs. (2nd Hearing-All testimony-Possible amendments & vote)

~~Canceled: **Senate Financial Institutions** (Committee Record) (Chr. Hughes, J., 466-5981), North Hearing Rm., 9 a.m.~~

**HB LOAN ACT** (Terhar, L.) To create the Ohio Consumer Installment Loan Act. (1st Hearing-All testimony-**598** Possible amendments & vote)

**Senate Civil Justice** (Committee Record) (Chr. Bacon, K., 466-8064), North Hearing Rm., 9 a.m.

**HB PROTECTION ORDERS** (Boose, T.) To provide that an individual's statutory priority to decide whether or **451** not to withhold or withdraw life-sustaining treatment for the individual's relative is forfeited if the individual is the subject of a temporary protection order or civil protection order and the relative is the alleged victim or if the individual and the relative are married and the parties to a divorce, dissolution, legal separation, or annulment proceeding. (3rd Hearing-All testimony-Possible amendments & vote)

**HBMORTGAGE FORECLOSURES** (Dever, J.) To establish expedited actions to foreclose mortgages on

**463** vacant and abandoned residential properties, to permit private selling officers to conduct judicial and execution sales of real property, to state the intent of the General Assembly regarding mortgage foreclosure actions, to revise the Commercial Paper Law relating to mortgages and lost instruments, and to make other changes relative to foreclosure actions. (3rd Hearing-All testimony-Possible amendments & vote)

**HBCCW LICENSES** (Terhar, L.) To waive the concealed carry license fee for active members of the armed **235** forces and retired and honorably discharged veterans and to accept military experience with firearms as proof of competency with firearms regardless of when the applicant for a license acquired the experience. (3rd Hearing-All testimony-Possible amendments & vote)

**HBCHILD ABUSE REPORTING** (Pelanda, D., Grossman, C.) To require mandatory reporters of child abuse **63** or neglect to notify the county public children services agency when an attorney in fact under a document that purports to grant parental rights requests services from them, to require the agency to investigate the child's placement with the attorney in fact, and to require the agency to file a dependency complaint if it determines that the placement is unsafe for the child. (3rd Hearing-All testimony-Possible amendments & vote)

**House Government Accountability & Oversight** (Committee Record) (Chr. Blessing, L., 466-9091), Finance Hearing Rm., 9:45 a.m.

**HBHEALTH CARE COMPACT** (Retherford, W., Boose, T.) To enter into the Health Care Compact. (3rd **34** Hearing-No testimony-Possible amendments & vote)

**HBCOMMISSION ELIMINATION** (Brown, T.) To formally abolish certain boards and commissions that **471** have completed their work and to abolish the Compact with Ohio Cities Task Force. (5th Hearing-No testimony-Possible amendments & vote)

**House Session** (Chr. Rosenberger, C., 466-3357), House Chamber, 10 a.m.

**Senate Rules & Reference** (Committee Record) (Chr. Faber, K., 466-7584), Majority Conf. Rm., 10 a.m.

**Conference Committee on HB 9** (Chr. Schaffer, T., 466-8100), Rm. 121, 11 a.m.

**HB TAX EXPENDITURES** (Boose, T.) To create a Tax Expenditure Review Committee for the purpose of **9** periodically reviewing existing tax expenditures and to prohibit the Director of Administrative Services from making purchases by competitive sealed proposal without prior Controlling Board approval. (1st Hearing-Possible vote)

**Senate Session** (Chr. Faber, K., 466-4900), Senate Chamber, 12 p.m.

**House Community & Family Advancement** (Committee Record) (Chr. Ginter, T., 466-8022), Rm. 114, 8:50 p.m.

**HB AMBULATORY FACILITIES** (Clyde, K., Fedor, T.) To eliminate the requirement for a written transfer **370** agreement or variance for ambulatory surgical facilities. (1st Hearing-Sponsor)

**HB PREGNANCY PROGRAM** (Boyd, J., Sykes, E.) To require entities funded through the Ohio Parenting **376** and Pregnancy Program to provide only medically accurate information. (1st Hearing-Sponsor)

Agency Calendar

**Board of Voting Machine Examiners**, 15th Fl., 180 E. Broad St., Columbus, 10 a.m.

Event Planner

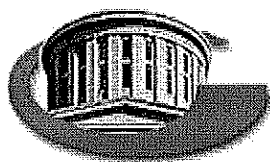
No events scheduled.

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# GONGWER Ohio

The Record of Capitol Square Since 1906

**Volume #85, Report #235 -- Wednesday, December 7, 2016**

## Legislature Finalizes New Statewide Regulations Over Labor, Pet Store, Utility Issues

A sharply divided General Assembly moved Wednesday to block labor-backed local ballot issues on minimum wage and worker scheduling through the passage of a measure originally introduced to impose statewide regulations on pet store dog acquisitions.

The measure ([SB 331](#)) cleared the House 55-40 and the Senate 21-10 over the objections of several Democrats who voiced opposition to its overall thrust of thwarting local control as well as its individual components - particularly the minimum wage provision.

Majority Republicans, meanwhile, defended the package as a way to improve the state's business climate and economy by ensuring predictability regarding the various statutory requirements.

The so-called "Petland" bill was sought by the Ohio-based business after Grove City passed an ordinance restricting the pet store's dog sourcing to shelters and rescue operations. Its provisions would supersede that local law while also creating new guidelines for dog purchases and additional oversight by the Department of Agriculture.

Sponsor [Sen. Bob Peterson](#) (R-Sabina) said it would go far in improving regulation over the businesses by curbing sales from unscrupulous breeders and providing uniformity across the state to benefit the stores and consumers. He and other proponents said the measure dovetailed with prior state law that cracked down on "puppy mill" breeders that mistreated animals.

Animal welfare advocates, on the other hand, described the original bill - oftentimes emotionally - as a Trojan horse that contained too many loopholes and was mainly designed to block local communities from making their own decisions about the enterprises.

The bill was originally proposed as an amendment to an unrelated tax bill, although Sen. Peterson backed off that plan amidst stern opposition and reintroduced it as separate legislation, which subsequently moved fairly quickly through the legislative process.

After arriving in the House, it became a lame duck vehicle for a handful of other provisions that mostly had the same theme of preempting local authority. (See [Gongwer Ohio Report, December 6, 2016](#))

It emerged from committee earlier Wednesday following a final round of testimony in which witnesses continued to fault the pet store component and members were briefed by a representative of AT&T over a provision involving utility equipment in public rights-of-way. (See [House Activity Report](#))

That language paves the way for telecom companies to install equipment for 5G networks in rights-of-way under the regulations of the state and bans local entities from passing related ordinances. (See [Gongwer Ohio Report, December 2, 2016](#))

Other provisions in the bill:

- Prohibit local jurisdictions from establishing a minimum wage different from the state's level.



- Grant private employers exclusive authority over matters related to work location, schedules and benefits absent an exemption.
- Provide that a county humane officer can live outside of the county of employment.
- Ban bestiality (SB 195).

Speaking to the bill on the House floor, Finance Chairman Rep. Ryan Smith (R-Bidwell) said the package comes down to ensuring that businesses know they are operating under the same rules when they go from one municipality to the next.

"This is really about keeping Ohio business-friendly...that we don't have fragmentation all across the state," he said.

Rep. Denise Drieaus (D-Cincinnati) said, "To me, this bill is about local control."

Recalling how the state took action to rein in puppy mills, she described the bill as a step backward in that respect. "So here we come as a legislature and say, 'We've changed our minds.'"

Rep. Gary Scherer (R-Circleville) said the bill was an extension of the effort to regulate high-volume breeders. The fact that Grove City and Toledo took their own steps to regulate pet stores "opened our eyes" that statewide standards were needed in that regard.

Rep. Bill Reineke (R-Fremont) said the bill provides predictability and stability and will improve Ohio's competitiveness and business climate. He described the wireless amendment as facilitating a private investment in technology that will encourage business growth.

Citing his concerns with the provisions impacting home rule, Rep. Kevin Boyce (D-Columbus) said the good elements in the bill were overshadowed by others in the push to get things enacted in lame duck.

Rep. Rob McColley (R-Napoleon), the House GOP's point person on discussions of the telecom amendment, said it is important to allow the widespread deployment of 5G technology in the state. That technology, he said, is "absolutely essential" for advancements like autonomous vehicles.

There were significant efforts made to "level the playing field" for municipalities, the lawmaker added, including a streamlined permitting process that allows for suggested "resittings."

Saying that such utility preemption has a lot of precedents, he said the companies could have gone directly to the federal government and gotten carte blanche authority to install the equipment.

Nevertheless, Rep. Drieaus lamented the speedy passage of the utility amendment after only one hearing, saying, "I think it needed more work."

The minimum wage provision, which had the support of some top Democrats in large cities who were concerned about its impacts on businesses, prompted considerable discussion.

Rep. Bill Patmon (D-Cleveland), who has irked his Democratic colleagues by supporting many GOP bills, said he had deep concerns with restricting local votes on the issue.

"Let them vote," he said, calling such options the "foundation of Democracy."

Rep. Michele Lepore-Hagan (D-Youngstown) and Rep. Kent Smith (D-Euclid) also objected to the language blocking labor initiatives on minimum wage and worker scheduling.

Mr. Smith decried the proposal as "deny-side economics," saying the state has been below the national average for wages since 2003. "Ohio does not have a jobs problem, it has a wages problem," he said.

But minimum wage is just that and meant as an entry level pay that allows businesses to hire more workers at a reasonable rate and then move them up based on experience and skill, Rep. Jim Buchy (R-Greenville) and Rep. Kyle Koehler (R-Springfield) argued.

"Where did you get \$15?" as a new minimum wage rate, Rep. Buchy said, referring to a proposed Cleveland ballot issue. "Why not make it \$30? The market sets the pace."

The last thing you want to do is "hodge-podge" the minimum wage, especially in cities, which would experience higher unemployment," Rep. Buchy added, saying such a move would "destroy the economy."

Becky Williams, president of the Service Employees International Union District 1199, issued a statement decrying the legislature's moves.

"We are deeply concerned about the impact this will have for working people across Ohio," she said. "When our state and federal politicians refuse to do anything that benefits working people, citizens should have the right to take matters into their own hands at the local level."

**Senate Debate:** Similar concerns were aired by Senate Democrats.

Sen. Sandra Williams (D-Cleveland) said her city is scheduled to vote on a minimum wage increase on the May ballot and residents deserve to have their say on the issue.

"The city of Cleveland and the residents who are low-wage workers really need the opportunity to vote on whether or not they want to increase their minimum wage," she said.

Referring to an infant mortality bill that members concurred with changes to just minutes earlier, Sen. Charleta B. Tavares (D-Columbus) said babies and children do better when their mothers have access to stable housing.

Ohioans have to make an average of \$15.70 per hour to afford appropriate apartments, so they should be given the opportunity to vote on whether to increase the minimum wage, she said.

Many low-wage earners must work two jobs to get by and predictive scheduling would better allow them to plan, Sen. Michael Skindell (D-Lakewood) said.

In all, Sen. Kenny Yuko (D-Richmond Height) said the House amendments would reduce local control and the ability for communities to respond to the issues that they deem important.

"This is something that our local governments take very high in their priorities because they feel this is part of that home rule that lets them address their concerns with their constituents," he said.

### Measures On Drug Addiction, Infant Mortality Sent To Governor

Bills targeting Ohio's opioid epidemic and its dubious infant mortality rate passed the House and Senate Wednesday with broad support during what are expected to be the penultimate sessions of the 131<sup>st</sup> General Assembly.

Also advancing were a handful of other bills including a measure with several preemptive statewide laws (*see separate story*) but the House stopped halfway through its planned calendar, which will only add length to the marathon session set for Thursday. The Senate concurred in House measures later in the evening.

Perhaps not coincidentally, the next item on the House's list was a concealed handgun measure (SB 199) that prompted differing opinions between the state's business groups and the National Rifle Association. (See Gongwer Ohio Report, December 6, 2016)

The drug addiction measure (SB 319) began as a mid-biennium review budget update bill from the Kasich Administration aimed stopping at the diversion of narcotic painkillers and increasing the availability of

treatment, such as methadone, and the life-saving drug naloxone.

The bill would require the registration of pharmacy technicians, ensuring a pharmacy tech who is caught diverting opioid drugs can't move to a different pharmacy. It would also allow for-profit methadone clinics to open in the state, increasing access to that medication.

The House Finance Committee amended the measure to extend civil immunity to police officers who deliver naloxone, an issue that has been raised as more and more of the state's law enforcement officers and first responders carry the drug. (See Gongwer Ohio Report, December 1, 2016)

The substitute version of the bill also provided waivers for local mental health boards that are unable to secure a full continuum of care for addiction, and enable the Department of Mental Health and Addiction Services to assist to ensure treatment options are available in all parts of the state.

In the House Finance Subcommittee on Health and Human Services, administration officials praised the bill for closing loopholes and giving the state new tools to use in the fight against opioid abuse. (See Gongwer Ohio Report, November 16, 2016)

Supporters of the bill said curbing diversion and abuse of prescription painkillers can help stem the tide of a drug problem that also includes heroin, fentanyl and carfentanil. The Department of Health reported this year that more than 3,000 Ohioans died of drug overdoses in 2015, up more than 500 from 2014. (See Gongwer Ohio Report, August 25, 2016)

Rep. Robert Sprague (R-Findlay) and Rep. Emilia Sykes (D-Akron) spoke in support of the bill on the House floor, saying it addressed a serious and ongoing problem in the state.

As they did in committee Tuesday, Democrats tried unsuccessfully to amend into the bill additional funding for child protective services and ADAMH boards and an emergency clause only to see the proposals tabled by majority Republicans.

Finance Chairman Rep. Ryan Smith (R-Bidwell) reiterated that such proposals should be considered in the context of the biennial budget next year. He also said the state has already spent \$900 million on the problem.

Rep. Denise Driehaus (D-Cincinnati) said policymakers shouldn't wait because the problem calls for additional resources immediately.

The bill passed the House 85-3, with Reps. Tom Brinkman (R-Cincinnati), Nino Vitale (R-Urbana) and Paul Zeltwanger (R-Mason) opposed.

The Senate concurred 32-0 with the House changes.

Sponsoring Sen. John Eklund (R-Chardon) said the bill is a necessary step toward addressing the state's opiate epidemic - something he said he'll remain committed to in the next General Assembly.

The final version of the bill is complex because of the issues it aims to correct, he added in urging his colleagues to support the changes.

"I don't believe in letting the perfect interfere with the good and it continues to be a solid bill."

Emmalee Kalmbach, spokesman for Gov. John Kasich, said the package would add to the state's arsenal in the fight against opioid problem.

"Ohio has one of the nation's most comprehensive approaches to combatting drug abuse and addiction, including an overall state investment of nearly \$1 billion dollars a year, and these new reforms will provide our state and local communities with additional, new tools to help continue to fight the war against drugs," she said.

**Infant Mortality:** The infant mortality measure (SB 332) stems from the report of an ad hoc committee that released its report in March. (See Gongwer Ohio Report, March 22, 2016) The commission's report also called for raising taxes on tobacco products and restricting the sale of them to consumers over age 21, which were not included in the bill.

Infant mortality is seen as a major health crisis in the state, with the Department of Health reporting last month that there were 1,005 infant deaths in 2015, up from 955 in 2014, for a rate increase from 6.8 per 1,000 live births to 7.2. Ohio ranks near the bottom of states, and the racial disparity in the rate has been a major focus, as it's nearly three times as high for black infants compared to whites. (See Gongwer Ohio Report, November 17, 2016)

The measure includes a ban on crib bumper pads, which can often cause a child to suffocate if the infant gets stuck against the pad or if it falls on the child.

When the bill was in the House, representatives from companies that make permeable mesh crib liners said they believed the ban was too strict, as it eliminated products they said weren't dangerous but would help keep a baby's limbs from being caught in crib slats. (See Gongwer Ohio Report, November 16, 2016)

The House Finance Committee accepted changes in a substitute bill that allowed for some mesh liners for three years, and after that time they would be allowed only if the Consumer Product Safety Council has established permeability and breathability standards. (See Gongwer Ohio Report, December 1, 2016)

Other changes the committee made to the bill last week included clarifications that the bill would only affect the home visiting components of the federal Help Me Grow program, not parts dealing with early intervention commonly managed by county boards of developmental disabilities.

Early in the processing of the bill, the Senate included other provisions (HB 421) expanding the number of injectable long-lasting drugs that could be administered by a pharmacist. The changes also added antipsychotics, opioid antagonist drugs and vitamin B12 to that list. Supporters said it would improve prescription compliance in underserved areas. (See Gongwer Ohio Report, September 27, 2016)

Sen. Shannon Jones (R-Springboro), the chief sponsor of the bill along with Sen. Charleta B. Tavares (D-Columbus), welcomed passage of the bill, which the Senate concurred with on a 31-1 vote.

"Ohio's infant mortality rate is a tragic stain on our great state," Sen. Jones said. "I am confident that Senate Bill 332 will lead the way to better health outcomes statewide and the celebration of more first birthdays in Ohio."

Rep. Stephanie Kunze (R-Hilliard), co-chair of the Commission on Infant Mortality, also lauded the House's advancement of the bill on an 81-7 vote.

"Although there is still much work to be done, I am confident this legislation is another piece in solving this complex and yet often preventable problem facing our state," she said.

Another proposal that cleared the House and has been long in the works would provide workers' compensation coverage and other benefits to firefighters who incur cancer that is deemed to have been caused while performing their duties (SB 27).

"We need to be there for those who are there for us, our firefighters, especially when they need it most," said Rep. Michael Henne (R-Clayton), the House manager of the bill.

Under the bill, all types of cancers and their treatments would be covered under the Ohio Bureau of Workers' Compensation and the Ohio Police and Fire Pension Fund for any firefighter, full-time or volunteer, who has worked for at least six years on hazardous duty, according to the House GOP. A firefighter's cancer will be presumed to be work-related unless the employer can demonstrate otherwise.

The cancer coverage measure cleared the House 77-20 and the Senate 31-1.

Also advancing Wednesday were bills to: enact the Corporate Governance Annual Disclosure Act ([SB 273](#)), and; require the Department of Health to prepare an influenza vaccine information sheet for older adults ([SB 331](#)).

### Senate Approves Expansion Of CCW Law, Higher Ed Audit Measure, Others With End Of Session On Horizon

The Senate on Wednesday approved a bill to loosen concealed handgun laws and other measures on higher education audits, prescriptions and towing as lawmakers continued to process legislation in advance of an expected adjournment of the 2016 session on Thursday.

The actions came during an extended legislative day when the chamber broke for several hours as committees continued to work and negotiations on final lame duck plans were held.

The bill to expand the places in which the concealed carry of a handgun is permitted ([HB 48](#)) passed 23-9.

Several Democrats objected to the changes, saying they will make those places less safe. The critics included Sen. Cecil Thomas (D-Cincinnati), a former police officer.

"The more guns that are out there the more difficult it is for law enforcement," he said.

Sen. Charleta B Tavares (D-Columbus) lamented that gun bills have become a fixture of lame duck sessions over the years.

Republicans, however, said those concerns were overblown. Sen. Bill Seitz (R-Cincinnati) said when concealed carry was expanded to places that sell alcohol critics predicted a Wild West scenario that has not come to fruition.

"I wish this bill wasn't necessary, but there are bad people out there," Sen. Bill Coley (R-Liberty Twp.) added..

Before the bill cleared the chamber it was amended by Sen. Coley to clarify that only law enforcement officials can carry weapons in a school safety zone. Another amendment exempted county child support agencies and other buildings in which child service agencies are housed.

Sen. Scott Oelslager (R-N. Canton) won support for a key measure ([HB 384](#)) that allows higher education institutions to undergo performance audits by the state auditor's office. The bill also includes a series of tax law changes that were adopted Tuesday by the Senate Finance Committee. (See Gongwer Ohio Report, December 6, 2016)

Before the 32-0 vote, however, Sen. Frank LaRose (R-Hudson) amended the bill to delete a committee provision that would have blocked the taxation of supplemental employee retirement plans. That change, he said, is deserving of further review.

Once session started in earnest after 7 pm, the chamber moved quickly through its voting agenda, with members offering few comments, and virtually no opposition, on the bills.

The other advanced measures would:

- Allow some Medicaid providers to make referrals for certain services under the Medicaid School Program ([HB 89](#));
- Update laws regarding advanced practice registered nurses and requiring state agencies to review the prevalence of diabetes ([HB 216](#));
- Permit chiropractors to provide services related to nutrition and medical goods and devices ([HB 276](#));
- Allow pharmacists to convert prescriptions authorizing refills in some cases ([HB 285](#));

- Update a series of towing-related laws, including authorizing the Public Utilities Commission of Ohio to set certain towing and storage fees ([HB 341](#));
- Align OVI-related sections of law regarding the reinstatement of driving privileges and the immobilization of vehicles ([HB 436](#));
- Allow municipalities and townships to set special speed limits within boarding school zones ([HB 455](#)), and;
- Regulate biological products and the substitution of interchangeable products ([HB 505](#)). The vote on the bill marked the 10,000th vote in the legislative career of [Sen. Randy Gardner](#) (R-Bowling Green).

The Senate also concurred in a handful of bills passed by the House earlier in the day. (*See separate stories*)

## 20-Week Abortion Bill Clears House Committee

For the second time in two days, the GOP-led legislature on Wednesday advanced new restrictions on abortions in the state.

The House Community and Family Advancement Committee's report of a bill banning abortions after 20 weeks of pregnancy ([SB 127](#)) follows the General Assembly's passage Tuesday of the so-called "heartbeat bill," a prohibition on the procedure once a fetal heartbeat is detected, which is usually about six weeks.

The latter, which was added to a child abuse prevention measure ([HB 493](#)) is headed to [Gov. John Kasich](#), who could line-item veto it given his past comments regarding the severity of the proposal.

The 20-week bill was favorably reported after being amended in committee late Wednesday following two hearings, with Democratic [Rep. Bill Patmon](#) (D-Cleveland) joining Republicans on the panel in support.

The committee voted along the same lines to add an amendment removing diabetes and multiple sclerosis from the list of conditions that would exempt a mother from the 20-week ban.

"We do not want to expand this to ailments or issues that are actually not threatening to the life of a mother," [Rep. Niraj Antani](#) (R-Miamisburg) said.

Another amendment, described by Legislative Service Commission staff as technical, was also adopted with the votes of Republicans and Rep. Patmon.

Two amendments offered by Democrats, one to allow an exemption in cases of rape or incest and one to allow an exception in the case of a severe fetal anomaly affecting the viability of the fetus, were rejected.

Jaime Miracle, deputy director for NARAL Pro-Choice Ohio, said the health exemption in the bill was too narrow.

"Trained medical professionals should not have their hands tied by the Ohio Legislature. They need to be able to take care of their patients when and how they think is best, without fear of imprisonment."

[Rep. Greta Johnson](#) (D-Akron) questioned the need for the measure given passage of the heartbeat bill. (*See [Gongwer Ohio Report, December 6, 2016](#)*)

"In light of what we saw yesterday pass, why do we need a 20-week abortion ban now?" she said.

After Ms. Miracle said she wondered if it could be passed as a backup by abortion advocates in case the stricter bill is rejected by the courts, [Rep. Ron Hood](#) (R-Ashville), who sponsored a version of the more restrictive measure, said the two were introduced independently.

"We sponsored the heartbeat bill because we thought that was the direction we wanted to go," he said. "There are other legislators who wanted to try another tack. I just think as far as hedging bets, that's certainly not my intention."

Lisa Wurm, policy manager for the ACLU of Ohio, questioned the constitutionality of the measure, and said the vague language in the bill would make legal abortions harder to obtain.

"The broad and uncertain language found in these restrictions is part of a trend in Ohio and elsewhere to interfere with a woman's health decisions during her pregnancy, shut down clinics and make the process of obtaining an abortion exceedingly difficult by increasing political barriers," she said.

Rabbi Misha Zinkow with Temple Israel in Columbus said Jewish tradition sees a fetus as a limb of the mother, not as a person. The first breath, not the first heartbeat, is the marking point of when personhood begins, he said.

"A fetus is not a person," he said. "Pregnant women, though, are fully human. As are children who are born into poverty, they too are fully human. Young people consigned to substandard schools, they are people. Homeless boys and girls, mothers and fathers, they are people. I would offer that you would do well to focus on the needs of human beings, and leave the fetus to its mother, her faith and her conscience."

Rabbi Zinkow said women should have conversations with their faith leaders about abortions, but that the state shouldn't decide for them.

Rep. Christina Hagan (R-Uniontown) said the bill allows for abortion in some cases to protect the life and health of the mother.

"There's a need for the state to provide and offer protection for that unborn child," she said.

Rabbi Jon Adlund, of Temple Israel in Canton, said that in 1983, his wife was pregnant with a child who would not live, and they found out about five weeks into the pregnancy. They chose to end the pregnancy.

"Most women don't choose to terminate a pregnancy at 20 weeks so this bill is truly unnecessary, but if you pass this bill then remember that you are placing women like my wife in a terrible position that could have been averted," he said.

### Energy Freeze Bill Inches Closer To Expected Senate Floor Vote

A Senate panel held its first hearing Wednesday on a bill to revise the state's energy mandates, keeping it on track for a second hearing and anticipated chamber vote the following day.

The Senate Energy & Natural Resources Committee held an informal hearing on the measure (HB 554) to field sponsor and proponent testimony.

But the bulk of testimony is likely to be from opponents, who will testify during Thursday's second hearing at 9 a.m., after which members are expected to vote.

In sponsor testimony, Rep. Ron Amstutz (R-Wooster) described the bill, which passed the House Tuesday, as the launching point for a larger conversation. (See Gongwer Ohio Report, December 6, 2016)

He said it marks an "incremental warm up exercise to a far greater policy that extends across the energy spectrum." He also alluded to Gov. John Kasich's prior threat to veto any bill that would "kill" the standards. (See Gongwer Ohio Report, November 21, 2016)

"As I said at the outset, this is an incremental bill," Rep. Amstutz said. "It is modest because we have been requested by the administration to be very careful how we move forward, for the veto and the signature pens both have ink in them."

He reiterated his belief that this is not an extension of the current two-year freeze - a position critics of the proposal have disputed.

Sen. Sandra Williams (D-Cleveland) questioned whether it would allow investor owned utilities to focus on large customers to meet energy efficiency targets and therefore ignore energy efficiency efforts toward customers.

Rep. Amstutz said the bill's expanded opt-out program could mitigate risk of that happening.

"I don't know if I want to speculate on how that might go in the future," Rep. Amstutz said, "but actually what this bill will do is reduce any risk of that happening by allowing these larger users to not be in the pool."

Murray Energy Corporation President and CEO Robert Murray voiced support, advocating for the permanent elimination of the renewable energy standards. He said renewable energy is six times as costly as coal-based electricity and has "no effect on the environment."

"To many, the artificially created wind and solar power industries are a pure fraud," he said. "President-elect Trump will end these costly subsidiaries so that all forms of electric power generation can compete on a level playing field, rather than the federal government picking winners and losers."

Sen. Bill Seitz (R-Cincinnati), who authored the Senate version, questioned whether "crony capitalism" is driving the layering of state mandates on top of government subsidies for renewable energy.

"The answer is, you got it," Mr. Murray said. "We've got to have low cost reliable electricity. I'll compete against any other way to generate it, but we have to have the regulations off of coal and we have to have the subsidies off our competitors."

Industrial Energy Users-Ohio General Counsel Sam Randazzo reiterated testimony he previously delivered in the House. He said the mandates pick winners and losers at the expense of customers and said the bill is a "modest step in the right direction." (See Gongwer Ohio Report, November 30, 2016)

Sen. Seitz requested of Mr. Randazzo a list of all members of the IEU-Ohio, the Ohio Business Roundtable and the Ohio Chamber of Commerce, saying he plans to read the names of all business proponents during Senate floor debate in response to the list of renewable energy companies opposing the bill.

Responding to Sen. Williams' question, Mr. Randazzo agreed the streamlined opt-out would help guard against cost shifting onto consumers.

In written testimony, Ohio Coal Association President Christian Palich too expressed support for portions of the bill he said encourage energy diversity and a fair energy market.

"The bill...does not end Ohio's harmful energy mandates," he said. "But it effectively makes those mandates voluntary until 2020, prevents Ohio's electric distribution utilities and service companies from being penalized from not meeting those voluntary goals, and reduces Ohio's unreasonable energy efficiency mandates going forward."

### House Panel Advances 'Education Deregulation' Bill Amid Teacher Licensure Concerns

The House Education Committee on Wednesday put the final touches on a so-called education deregulation measure that's expected to see final action this week.

After adding amendments, some of which made tweaks to an omnibus change that was approved earlier this week, the panel reported the bill along party lines, with Democrats in opposition.

The latest version of the measure (SB 3) includes provisions that require criminal background checks of unlicensed teachers permitted under the bill to be submitted to the Department of Education and changes how



state higher education insurance pool administrators file financial audits.

Other changes reverse earlier amendments that would have prohibited students from completing kindergarten readiness assessments through a video chat with a teacher and districts from providing hard copies of so-called blizzard bags to students. An update to the latter would no longer require schools to report the materials they're providing to ODE.

Rep. Kyle Koehler (R-Springfield) said he wanted to see the online assessments return to the bill because he's seen firsthand as a member of the Straight A Fund Governing Board the doors that technology can open.

"I don't see why we can't do this and leave this as a permissive ability for teachers to work with," he said. "What we want is better education I think this allows us to do that."

Ahead of the vote, Rep. Teresa Fedor (D-Toledo) said she appreciates the bill's aim to give more local control back to school districts, but could not support it.

She specifically raised concerns about a provision that would permit districts deemed to be high-performing to hire non-licensed individuals to be teachers.

"As a former teacher, it grieves me that anybody who raises their hand and takes a skill tests can become a teacher," she said.

The Ohio Education Association on Wednesday also shared concerns about that provision and another that lifts restrictions on class sizes.

"Opening the door to non-licensed teachers is a move in the wrong direction. Students are in a better position to succeed when they have qualified, licensed teachers," OEA President Becky Higgins said in a statement. "In addition, keeping class sizes small allows for more individual instruction and that helps our students."

Chairman Rep. Andy Brenner (R-Powell) noted that the bill requires any unlicensed teachers who are hired to eventually become licensed and suggested that many districts will likely continue to employ trained educators.

"This is talking about a temporary basis, a very limited scope, and I don't think that that in and of itself is an issue given the fact that we've got many districts with shortages in different areas and they cannot find anybody," he said.

About 120 high performing districts will be eligible for reduced regulations under the bill, Rep. Brenner said. They can serve as a case study into how the bill as enacted is working to impact education.

Those changes that work best could be expanded to all school districts in the state later, he said.

The chairman also highlighted portions of the measure that apply to all schools, such as testing time caps. It reduces standardized testing time to no more than 2% of the school year with no more than 1% of the year spent on practice tests.

Upon learning that there is no required formal study of how high-performing schools are impacted by reduced regulations, Rep. Bill Patmon (R-Cleveland) said he was disappointed by the bill.

"Leaving it to chance (that the bill's outcomes will be evaluated) may not be exactly the thing to do," he said.

### Senate Panel Moves Amended Proposal Aimed At Groups Boycotting Israel

Dozens of opponents spoke out Wednesday against a bill that bars state agencies from contracting with companies involved in the movement to boycott or disinvest from Israel, but it passed a Senate committee nonetheless.

The bill advanced despite criticisms that went on for several hours even though witnesses were limited to three minutes. It cleared the Senate Government Oversight & Reform Committee, but only after an hours-long delay created by a recess and then the beginning of the upper chamber's session.

Before the legislation was reported, a substitute version was adopted. It was broadened to cover any nation the U.S. conducts open trade with and does not apply to any nation with which the country has a trade embargo.

The panel rejected an amendment offered by Sen. Michael Skindell (D-Lakewood) that would have exempted any company with no overseas business that contracts with state agencies from signing a contract with the anti-boycott language.

However, Sen. Bill Seitz (R-Cincinnati) raised concern about the proposed amendment, saying that it could create a loophole through subsidiaries.

Critics of the measure largely characterized it as an infringement on free speech rights.

"Could or should the Ohio General Assembly forbid state contracts to those who refused to support Hillary Clinton for president? Or sever contracts with those supporting the Second Amendment? Or maybe those who opposed *Roe v. Wade*?" Gary Daniels, chief lobbyist of the ACLU of Ohio, asked the panel.

Chairman Sen. Bill Coley (R-Liberty Twp.) questioned whether Mr. Daniels' organization would oppose the measure if it was targeted at a boycott or disinvestment movement of any other nation.

"It's not the job of the state of Ohio to monitor what their contractors are doing," he replied.

Eric Resnick of the Free Speech Coalition of Ohio and Northwest Ohio Free Speech Alliance said the goal behind the movement to boycott, divest and sanction Israel is to end human rights abuses against Palestinians.

"This is an attempt to use the power of the state of Ohio to silence those who seek justice for Palestinians, and who want Israel to end its abusive occupation and apartheid, and be held accountable for ethnic cleansing," he said. "Should you enact this bill, shame on you. History will judge you as it does those who aided and abetted the South African National Party, the Bosnian Serbs, and the Hutu extremists in Rwanda."

Amina Barhum, who told the panel that her work with children has inspired her to be "audaciously truthful," said the legislation has the potential to not only stifle speech, but also activism.

"The bill is a sorry attempt to silence those that seek justice against these injustices. Without this political voice, without this tool, what is their alternative? The alternative is violence. And for those that stand before me who seek to find peace for Palestinians and Israelis - who seek to end the perpetual conflict - this bill blatantly undermines this ability," she said.

Pamela Beck of the United Church of Christ Palestine-Israel Network also told the panel that the bill is unconstitutional.

"If the State of Ohio blocks peaceful protest and free speech rights via HB 476, then the state of Ohio denies the rights of its own citizens and becomes complicit in the Israeli policies and acts of human rights abuses against Palestinians," she said.

Others, however, took the opposite view, calling the movement to boycott, disinvest or sanction Israel an attempt to harm the Jewish state.

"It is more about animus towards the Jews and Israel than about rectifying the plight of the Palestinians," Austin Reid, president of the Capital Jewish Student Association, said.

Former lawmaker Eric Fingerhut, who now serves as the president and CEO of Hillel International, told the panel that the movement has had a negative impact on college campuses.

"In pursuing their harmful agenda on campus, they divide students and student groups from the other, they create a hostile environment for supporters of Israel on campus, and they foster an environment in which anti-Semitism on campus has become all too real a problem and is dramatically rising," he wrote.

The Cincinnati and Cleveland regional offices of American Jewish Committee told the panel in written testimony that the measure does not run afoul of the First Amendment, as some opponents claimed.

"The state of Ohio is not required by any provision of the U.S. Constitution to join in, support or reinforce the boycott of Israel," the groups wrote.

Following testimony from Benjamin Golsky of the Cleveland Jewish Federation, Sen. Skindell and Sen. Coley got into a brief shouting match as the latter sought to rephrase a question from the minority member.

"It's not for you to understand the question. It's for the witness to understand the question," Sen. Skindell shouted, before adding, "You interrupt me all the time in these committees and I'm getting tired of it."

### PUCO Ruling Paves Way For Submetering Regulation

In a much-awaited order, the Public Utilities Commission of Ohio on Wednesday asserted its authority to regulate cases pertaining to submetering.

The order, which passed by a 3-1 vote, lays out the framework by which the commission will determine on a case-by-case basis whether to act on complaints filed by submetering customers. (Docket)

"The PUCO has charted a path today to protect consumers from unreasonably high rates charged by submetering entities," Chairman Asim Haque said. "Part of what we found is whether the commission has jurisdiction is a mixed question of law and fact that needs to be determined on a case by case basis.

"It is our hope that the path we've charted today will serve to both discipline pricing in the submetering marketplace and provide a true venue for submetering customers to file their grievances," he continued."

Commissioner Lynn Slaby was the sole dissenting vote, writing in his dissenting opinion that he initially concurred on the order before reevaluating.

"The (PUCO), being a creature of statute, can only act on the authority given to us by the state legislature," Mr. Slaby wrote. "At this time the Ohio Revised Code does not address the redistribution of electric, gas and water services beyond the master meter. I am convinced that this issue is a legislative matter and the legislature has the sole responsibility to set out who has the authority to police submetering companies."

Commissioner Howard Petricoff, who recently announced his resignation effective Dec. 31 as he faced Senate rejection, did not vote. (See Gongwer Ohio Report, December 2, 2016)

The order essentially extends the commission's *Shroyer* test - the three-prong test the PUCO uses to determine whether an entity is acting as a public utility - to cover landlords, condominium associations, submetering companies and other entities.

Under the expanded test, if a submetering company or similar entity is charging a certain percentage greater than the comparable default service customers, the PUCO will assert jurisdiction and halt the practice. That percentage threshold will be determined at a later date.

The order also creates new parameters for determining whether the resale of public utility services is ancillary to the business of a landlord or other entity and clarifies that failure on any prong of the *Shroyer* test constitutes failure of the entire test.

The PUCO launched its investigation into submetering last year following complaints from consumers who said submetering companies - acting as go-betweens separating consumers and utility companies - were overcharging

consumers compared to utility companies. (See [Gongwer Ohio Report, February 8, 2016](#))

During the investigation, submetering companies argued that the question of regulation is for the General Assembly to decide and that under the *Shroyer* test such companies are not public utilities.

Two Republican bills introduced earlier this session to address the issue - from [Sen. Kevin Bacon](#) (R-Minerva Park) and [Rep. Mike Duffey](#) (R-Worthington) - appear poised to die as the legislative clock resets at the end of this session. (See [Gongwer Ohio Report, September 2, 2016](#))

The PUCO will now seek to determine the percentage threshold by which a submetering company or other entity will be presumed to be acting as a public utility.

Parties should submit their comments on that question by Jan. 13, with reply comments due Feb. 3.

Statehouse Honors Former Governor and U.S. Sen. George Voinovich

State leaders on Wednesday evening reminisced about the times they spent with George Victor Voinovich during a public memorial service honoring the former U.S. senator, governor, state lawmaker and Cleveland mayor, who died in June.

[Gov. John Kasich](#), [Attorney General Mike DeWine](#), former House Speaker Jo Ann Davidson, and son George F. Voinovich spoke at the event held in the Statehouse Atrium.

They expressed Mr. Voinovich's passion for helping others, unwavering Catholic faith, love of family, strong work ethic and penchant for repeating key phrases such as, "Do a good job with the job you have and the future will take care of itself."

Attorney General DeWine, who served as lieutenant governor under Gov. Voinovich, said he watched him take home stacks of reports and memos every evening to make notes and wasn't one to set work aside unless it was for family.

The former governor was also known for his tenacity to reduce debt and do more with less, something Mr. DeWine said he saw firsthand when they served in the U.S. Senate and at the Statehouse together.

"He changed lives and made his city, made his state, and his country a better place," he said.

At the helm of the state, Gov. Voinovich gracefully dealt with an Easter Sunday inmate riot at the Southern Ohio Correctional Facility and championed agriculture, especially fishing, Mr. DeWine said.

"He understood that a governor is a leader and he understood that the governor needed to promote the state every single day and it came from his heart. It wasn't something he had to do," he said.

Gov. Kasich reflected on a fishing trip he shared with Mr. Voinovich, but said one of his fondest memories with him was the last time he saw him. The 79-year old and his wife Janet had traveled to be at a fundraiser during the Indiana primary election, Gov. Kasich said.

It was then that the former governor told the then-presidential candidate that he believed in him and he shouldn't quit, Gov. Kasich recalled.

"I'll never forget that," he said.

"Everything he did was basically designed to say how can we create jobs so people can work...but also how do we help people to get up on their feet? How do we give them a chance to lead a good life?" Gov. Kasich said, drawing ties between his interests and Gov. Voinovich's to give voices to Ohioans who are often not heard.

Like others who spoke, Ms. Davidson said she considered Mr. Voinovich a mentor and she misses his friendship and the ability to learn from him.

She joked that his catch phrases - which his son shared with the audience - were so well-known that House members had started a betting pool on how many times he'd say certain ones during his State of the State addresses.

"I've been fortunate enough through the years to (know) some wonderful people and strong leaders," she said, "but George Voinovich stands out among them all."

### Mandel First Statewide Official Out Of The Blocks To Declare For Next Office

State Treasurer Josh Mandel made his presumed next bid for U.S. Senate official Wednesday, becoming the first of what's expected to be a parade of statewide officials announcing their next public office target in 2018.

Mr. Mandel, a former lawmaker, Lyndhurst councilman and U.S. Marine, aims to unseat U.S. Sen. Sherrod Brown (D-Avon) in a rematch of the 2012 race. The incumbent defeated the Republican that year by six percentage points following a vitriolic campaign.

However, he may first have to survive a primary for the opportunity. U.S. Rep. Pat Tiberi (R-Columbus), a favorite of Gov. John Kasich, and potentially other Republicans could also enter the race.



Mr. Mandel officially announced his bid on social media, linking to a video he titled "First to Fight."

"I've been honored to serve my country in the Marine Corps during two tours of duty in Iraq, protecting our values, our way of life, and our freedoms. As your Treasurer, I've been fighting to make Ohio's government more accountable and transparent," he said. "Now it's time to take the fight to Washington. That's why I'm running for the United States Senate."

Channeling President-elect Donald Trump, the candidate described Washington, D.C. as a "rigged system" in which "cronies get rich while the middle class struggles."

"It's time to transfer power from politicians to the people, so every Ohioan has the freedom to live the life they want and the opportunity to work the job they want to work," he said.

Mr. Mandel immediately earned the support of U.S. Sen. Marco Rubio (R-Fla.), whom he backed in the presidential race.

"Josh Mandel is always the first to fight when it comes to defending conservative principles, like lowering taxes and creating a more transparent government for the people of Ohio," Sen. Rubio said in a statement. "He is also the only candidate who can unify the Republican Party in Ohio to win the seat from the Democrats and send a strong message to any obstructionists who would stand in the way of the sea change underway in Washington."

Also immediate were critiques aired by Democrats.

"Josh Mandel can't be trusted," tweeted Justin Barasky, communications director for Democratic super PAC Priorities USA and a former campaign staffer for Sen. Brown. "He lies abt everything, he is part of a rigged system that hires unqualified political cronies & friends...."

Ohio Democratic Party spokesman Jake Strassberger said Mr. Mandel's announcement comes "after years of ignoring his day job to pursue a different one...."

"Since Day One in the treasurer's office Josh Mandel has always been more interested in furthering his own political career than doing his job," he said in a statement. "From hiring his cronies and giving them raises to exchanging access to the official treasurer's letterhead for \$100,000 in campaign contributions to using the

Treasurer's office to talk about issues that have nothing to do with the job taxpayers pay him to do, Josh Mandel remains someone we can't trust."

## Term-Limited Justice Pfeifer Picked To Lead OJC

An Ohio Supreme Court Justice will soon be leading the Ohio Judicial Conference.

Retiring Justice Paul Pfeifer has been tapped to serve as executive director of the organization. State law prevented him from seeking another term on the high court due to his age.

"I think I'm bringing a unique perspective to this position," Justice Pfeifer said in a statement. "I'll be able to draw on my experience in both the Judiciary and the General Assembly, and I will be working with our judges to help members of the General Assembly better understand the impact that legislative proposals can create at the courthouse."

Justice Pfeifer, who began his tenure on the high court in 1993, previously served in both chambers of the General Assembly.

He served one term in the House and four in the Senate, where he led the Senate Judiciary Committee for 10 years.

A native of Bucyrus, Justice Pfeifer graduated from The Ohio State University College of Law before serving as an assistant attorney general under William Saxbe. In 1972, he went into private practice where he was a partner at Cory, Brown & Pfeifer for 20 years.

"Early in my career, I had the good fortune of trying cases all over our state," Justice Pfeifer said. "Now, after 24 years on the Supreme Court, this position - representing the more than 700 judges of the Ohio Judicial Conference - offers new challenges and exciting opportunities. I'm looking forward to getting started."

Added Clermont County Juvenile/Probate Court Judge James Shriver: "The Ohio Judicial Conference is honored to be led by a great icon of the Ohio Judiciary. His vast judicial experience and knowledge and his robust energy and ideas will serve both the judiciary and the citizens of Ohio quite well."

Justice Pfeifer, a Republican who has often sided with the court's Democratic minority over the years and came to oppose the death penalty, was prohibited from seeking reelection to the high court this year because of judicial age limits.

He will take over a group that has been lauded by state jurists for its contributions and resources but was also targeted for elimination in the last budget bill. (See [Gongwer Ohio Report, June 10, 2015](#))

Following pushback from OJC and other supporters, the plan to eliminate the agency was removed in the budget conference committee.

## Governor's Appointments

**Ohio Expositions Commission:** Angela N. Krile of Lancaster for a term beginning December 7, 2016 and ending December 1, 2022.

**Board of Speech Language Pathology and Audiology:** Angela N. King of Celina, Helen L. Mayle of Pickerington and Carrie L. Spangler of Uniontown for terms beginning December 7, 2016 and ending September 24, 2019.

## Supplemental Agency Calendar


**Wednesday, December 14**

**Lake Erie Commission, DNR H. R. Collins Laboratory, 3307 S. Old State Road, Delaware, 10 a.m.**

17 S. High St., Suite 630  
Columbus Ohio 43215

**Phone:** 614-221-1992 | **Fax:** 614-221-7844 | **Email:** [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)

Scott Miller, President | Alan Miller, Vice President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

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Sarah LaTourette Kayser &lt;latoursm@gmail.com&gt;

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**Ohio Media Clips, Tuesday, December 13**

1 message

**Gongwer News Service** <gongwerreports@gongwer-oh.com>

Tue, Dec 13, 2016 at 8:52 AM

To: sml@sarahlatourette.com

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## NEWS

**Ohio abortion bills pose Kasich's first test in Trump era (Cincinnati Enquirer, 12/13/2016)**

**Activists urge Gov. John Kasich to act on heartbeat bill, 20-week abortion ban (photos) (Cleveland Plain Dealer, 12/13/2016)**

**John Glenn's memorial service announced (Cleveland Plain Dealer, 12/13/2016)**

**Ohio Democratic Party seeks to avoid another Ed FitzGerald: Ohio Politics Roundup (Cleveland Plain Dealer, 12/13/2016)**

**Ted Strickland: 'I'm never going to say never' to running again (video) (Cleveland Plain Dealer, 12/13/2016)**

**Capitol Insider: Ohio legislature leaves door open in case of Kasich veto (Columbus Dispatch, 12/13/2016)**

**Ohio GOP leaders support investigation of alleged Russian election hacking (Columbus Dispatch, 12/13/2016)**

**Physicians, Right to Life ask Kasich to veto Heartbeat Bill (Columbus Dispatch, 12/13/2016)**

**Sherrod Brown assails Donald Trump choice to head Labor Department (Columbus Dispatch, 12/13/2016)**



**State website promotes Ohio-made, grown food products (Columbus Dispatch, 12/13/2016)**

**Supreme Court would toss Ohio abortion bans, analysts say (Columbus Dispatch, 12/13/2016)**

**State school board weighing graduation rules today (Dayton Daily News, 12/13/2016)**

**John Glenn's casket to be escorted through Columbus (Toledo Blade, 12/13/2016)**

## **EDITORIALS**

**A pipeline would run through it, or the fair questions about the Nexus pipeline (Akron Beacon Journal, 12/13/2016)**

**Charita M. Goshay: Glenn a reminder of who we were, and can be again (Canton Repository, 12/13/2016)**

**Moving kids out of poverty requires investments in child care, transportation (Cincinnati Enquirer, 12/13/2016)**

**Ohio's death-penalty secrecy shrouds too much crucial information for executions to resume: editorial (Cleveland Plain Dealer, 12/13/2016)**

**Editorial: The heroes among us (Columbus Dispatch, 12/13/2016)**

**Josh Knights commentary: Ohio should lead, not languish on clean energy (Columbus Dispatch, 12/13/2016)**

**Let's see dash cam videos (Toledo Blade, 12/13/2016)**

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**Ohio Report, Tuesday, December 20, 2016**

1 message

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Tue, Dec 20, 2016 at 6:20 PM

To: sml@sarahlatourette.com

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## **OHIO REPORT TUESDAY, DECEMBER 20**

**Tax Department, Oil & Gas Group Dispute Impact Of Tax Language  
Inserted Into Omnibus Lane Duck Measure**

**High Court Backs Prosecutor's Delay In Releasing Body Cam Footage**

**No Funding Changes In PUCO, OCC Budget Requests**

**Farmers Vow To Keep Pressing For CAUV Changes In 2017**

**Report Ranks Ohio Near Bottom Of 'Economic Freedom' Index**

**Senate Releases 2017 Session Schedule**

**Agency Briefs: JobsOhio Compliance Report Issued; DSA; IG; Labor  
Force; Governor; ODNR; AG...**

**Capitol Scene: Caputo, Kuhns Join Capitol Partners**

**Supplemental Agency Calendar**

## **CALENDARS**

## Day Planner

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**GONGWER** Ohio  
The Record of Capitol Square Since 1906

## Daily Activity Planner for Wednesday, December 21

### Legislative Committees

No legislative committees scheduled.

### Agency Calendar

**Construction Industry Licensing Board**, OCILB Conf. Rm., 6606 Tussing Rd., Reynoldsburg, 10 a.m.  
(Administrative Section)

**Casino Control Commission**, 30 East Broad Street, Lobby Hearing Rm., Columbus, 1 p.m.

**Public Utilities Commission of Ohio**, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

### Event Planner

No events scheduled.

17 S. High St., Suite 630  
Columbus Ohio 43215

**Phone:** 614-221-1992 | **Fax:** 614-221-7844 | **Email:** [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)

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**GONGWER** Ohio  
The Record of Capitol Square Since 1906

## Volume #85, Report #244 -- Tuesday, December 20, 2016

Tax Department, Oil & Gas Group Dispute Impact Of Tax Language Inserted Into Omnibus Lame Duck Measure

A so-called Christmas tree bill passed in the waning hours of the lame duck session includes at least \$264 million in tax breaks for the oil and gas industry, according to the Kasich Administration.

But the Ohio Oil and Gas Association disputes that, saying the state's estimate is "grossly inflated" and that the state would not lose any real revenue under the bill ([SB 235](#)).

The bill in question was originally aimed at encouraging landowners to improve their property without facing higher property tax bills. But as the lame duck session wound down, the item was amended several times.

The tax provision has already prompted sharp words from [Gov. John Kasich](#), foreshadowing a potential veto. The governor last week at a JobsOhio board meeting criticized the bill, saying, "We don't have the time to give out more tax credits. We can't do that." (See [Gongwer Ohio Report, December 15, 2016](#))

Another notable amendment added to the bill is a stop-gap unemployment compensation fix installed after lawmakers scrapped a controversial measure ([HB 390](#)) to restore solvency to the system. In addition to rejecting the tax change, a veto from the governor would push lawmakers back to square one on the unemployment compensation front. (See [Gongwer Ohio Report, December 6, 2016](#))

The tax language - inserted on Dec. 8 in a House committee meeting - essentially expands the definition of the sales tax exemption for tangible personal property "significantly beyond" that used directly in oil and gas production, according to a [Department of Taxation analysis](#).

Instead, it widens that exemption to include all aspects of the "production operation" regulated as defined by the Department of Natural Resources' Division of Oil and Gas Resources Management.

The provision is retroactive and applies to all transactions occurring after June 30, 2010.

ODT's recent analysis is the first detailed look at the impact of the language that received little attention during legislative deliberations. As the bill advanced, lawmakers said the language simply "clarifies" existing tax code, and a Legislative Service Commission [fiscal analysis](#) prepared during debate said LSC was unable to estimate the magnitude of losses under the bill.

"As of this writing, LSC is unaware of how this affects the existing application of law enforced by the Ohio Department of Taxation," the LSC analysis reads. "Potentially, the bill's provision will expedite or create additional revenue losses."

The \$264 million in lost revenue ODT is estimating consists of a \$215 million drop in state revenue and \$49 million less for local governments. That includes: \$46 million less from horizontal well operators, \$211 million less from conduit pipelines, and \$7 million less from injection wells

But OOGA Executive Director Shawn Bennett said he is "baffled and perplexed" by ODT's take on the language.

"The amendment is simply a clarification of existing law and practices," Mr. Bennett said. "It is not a tax break. Exemptions we in the industry have been afforded for decades remain intact, while items that are currently taxed remain taxed. It's as simple as that."

He said oil and gas operators aren't getting any new money because ODT has never enforced collection of that revenue. In addition to taking issue with the accuracy of ODT's estimates, he said the revenue in question is "unrealized revenue" ODT believes it is due through a "clear overreach" of Ohio tax code.

"What they are doing is taking away exemptions that have been afforded to our industry for decades," Mr. Bennett said. "You can't do that. So are we taking money away from the Department of Taxation? No. They are trying to overtax the oil and gas industry in the state of Ohio and a correction needed to be had."

Asked about a potential Gov. Kasich veto, Mr. Bennett said he hopes "common sense prevails."

### High Court Backs Prosecutor's Delay In Releasing Body Cam Footage

The Ohio Supreme Court on Tuesday found that a county prosecutor legally handled the release of law enforcement body camera footage without expressly ruling on whether it was a public record.

In a decision authored by Justice Judith Ann Lanzinger, however, the court did find that the Hamilton County Prosecutor's Office released video of a July 2015 officer-involved shooting to several media outlets in a timely fashion after receiving the footage.

"Because the prosecutor was entitled to review the video to determine whether any redaction was necessary and produced the body-camera video six business days after it was initially received by his office, we conclude that he responded in a reasonable period of time," Justice Lanzinger wrote.

The case stems from the July 19, 2015 shooting death of Samuel DuBose, who was shot and killed by University of Cincinnati police officer Ray Tensing during a traffic stop, the court reported.

In the following days, six different media outlets requested video generated by Mr. Tensing's body camera.

The request was denied on July 22 and the six media outlets filed their case in the high court on July 27.

However, Hamilton County Prosecutor Joe Deters released the video on July 29, the same day he secured a grand jury indictment against Mr. Tensing on charges of murder and voluntary manslaughter. In November, a mistrial was declared in the case after the jury deadlocked. Another trial is scheduled for May.

Because three media companies, including *The Cincinnati Enquirer*, failed to request the video from the prosecutor's office, they were dismissed from the case.

"It is axiomatic that in order to be a person aggrieved by the failure of a public office to promptly respond to a public-records request, one must first request records from the public office," Justice Lanzinger wrote.

"Although the Enquirer, WCPO, and WXIX submitted public-records requests to the University of Cincinnati or the Cincinnati Police Department or both, they never submitted a public-records request to the prosecuting attorney. Because this lawsuit was brought against only the prosecuting attorney, these relators are not 'aggrieved' by the prosecutor's failure to produce the body-camera video. Therefore, the cause is dismissed as to the Enquirer, WCPO, and WXIX."

The remaining three media outlets, Justice Lanzinger reasoned, received the footage in a reasonable time after their requests were made to the prosecutor's office. The decision did not directly address whether the footage was in fact a public record.

"With regard to the remaining relators - WLWT, the AP, and WKRC - we deny the writ. Assuming arguendo that the body-cam video is a public record, the prosecutor provided relators with copies of the video on July 29,

2015, two days after this action was filed. Thus, to the extent that the mandamus action seeks to compel the prosecutor to release the video, the matter is moot," Justice Lanzinger wrote.

John Greiner, legal counsel for the *Enquirer*, called the decision both "curious" and "troubling" in an assessment sent to the Ohio State Bar Association's Media Law Committee.

"The media was moving quickly, in an environment where it was not clear who had the records. The Court's ruling says that a party who makes a request to a proper party, but that party gives the record to another party who makes it clear it will not release the record, must re-initiate the process by requesting the record from the second party," he wrote. "Not only does that elevate form over substance, it gives public offices who want to delay release of a record great incentive to engage in a shell game with the records."

However, he also said that the ruling does not alter a decision the court released earlier this month that found law enforcement dashboard camera footage to be public records subject to retraction. (See [Gongwer Ohio Report, December 6, 2016](#))

"The bottom line here is that the Court did not disturb its recent ruling in the dash cam case. Police footage is not per se an investigatory record and footage that mirrors the description in the incident report is by definition not investigatory," he wrote. "These broad principles remain undisturbed. The Deters decision is a narrow, fact specific ruling of limited precedential value."

Due to the fact that the three news organizations received the video in a timely fashion, their request for attorney fees and damages was denied.

Chief Justice Maureen O'Connor and Justices Paul Pfeifer, Terrence O'Donnell, Sharon Kennedy, and Bill O'Neill joined Justice Lanzinger's opinion. Justice Judith French concurred in judgment only.

The high profile shooting - and other recent incidents involving law enforcement officials - led to a slew of activity on Capitol Square, including the introduction of legislation (SB 202) by [Sen. Cecil Thomas](#) (D-Cincinnati) that would make the failure to display a license plate on the front of a vehicle - the reason the traffic stop was initiated against Mr. DuBose - a secondary offense. Another bill (HB 380), introduced by [Rep. Alicia Reece](#) (D-Cincinnati), was designed to provide both increased transparency and fairness in the investigation of officer-involved shooting deaths. (See [Gongwer Ohio Report, December 1, 2015](#))

A panel formed by [Gov. John Kasich](#) in August issued minimum standards governing use of force, use of deadly force and law enforcement recruitment and hiring. (See [Gongwer Ohio Report, August 28, 2015](#))

The incident was also a topic of discussion among members of the Ohio Supreme Court's Task Force to Examine Improvements to the Ohio Grand Jury System, which recommended that the attorney general's office handle the investigations and prosecutions involving police lethal use of force. (See [Gongwer Ohio Report, August 28, 2015](#))

#### No Funding Changes In PUCO, OCC Budget Requests

The Public Utilities Commission of Ohio and the Consumers' Counsel are each taking steps to avoid budget increases in the next biennium.

That goal is singled out in separate budget requests sent recently to Office of Budget and Management [Director Tim Keen](#) by PUCO Chairman Asim Haque and Ohio Consumers' Counsel Bruce Weston.

The PUCO is entirely self-supporting, receiving no General Revenue Fund appropriations. In contrast, the commission contributed \$7 million to the GRF over the current biennium, Mr. Haque wrote to Mr. Keen in [his memo](#).

Overall, the commission received about \$53.3 million in funding in each year of the current biennium, which includes federal grants funding and revenue from fees charged by the PUCO to investor-owned utilities.



"As you consider the PUCO's overall FY 2018 and FY 2019 operating budget requests, it is important to note there is no increase sought for existing and continuing funds," Mr. Haque wrote. "The PUCO will remain flat-funded to FY 2017 appropriation levels."

To manage that, the PUCO will enact a 6.6% employee reduction and shift resources to further investments in technology and staff augmentation, Mr. Haque wrote.

"Over next biennium we anticipate through either attrition or realignment being able to not fill 13 positions over that time period," PUCO spokesman Matt Schilling said in an interview. "Today we're at 333. At the end of 2019 we think we'll be at 320."

For the OCC's part, Mr. Weston wrote in his memo that the agency is "managing its staffing and contracting" in order to operate without a budget increase. His request is for \$5.64 million for both fiscal years 2018 and 2019 - the same amount received over the last biennium.

Like the PUCO, the OCC does not receive GRF funds, but is financed through assessments on investor-owned utilities based on intrastate gross revenues. He said the office is still hurting from a \$3 million budget reduction sustained in 2011 which resulted in the reduction of staff and services.

"The agency has worked within our budget to focus on our core mission of advocating on behalf of residential utility consumers for affordable and reliable utility services," Mr. Weston wrote.

"The agency will continue to use judgement in allocating resources to regulatory cases and legislative initiatives, among other projects for consumers. This judgment for prioritizing the use of resources will be based on, among other things, the number of consumers affected, the amount of money at stake for consumers and the history and significance of the issues."

A top challenge for the office, Mr. Weston wrote, is human resources, which comprises 74% of the OCC's budget. The office must plan accordingly for a bevy of potential retirements in the near future in addition to expected challenges with hiring and retaining qualified staff, he said.

"Finding and training human resources who have the requisite knowledge and expertise for this highly technical field are key to the agency's services for utility consumers," he said. "There are also the challenges of retaining qualified staff, especially in light of opportunities outside of public service for greater remuneration."

Other challenges Mr. Weston singled out are ongoing rate cases before the PUCO and the anticipated efforts of AEP and FirstEnergy to push lawmakers during the 132<sup>nd</sup> General Assembly to pursue a partial reregulation of electric markets. (See Gongwer Ohio Report, November 7, 2016)

## Farmers Vow To Keep Pressing For CAUV Changes In 2017

Farming groups are already planning a renewed effort to overhaul the Current Agricultural Use Value tax next year, after companion House and Senate bills to do just that fizzled during the 131<sup>st</sup> General Assembly.

The Ohio Farmers Union voiced "profound disappointment" the bills (HB 398 & SB 246) failed to survive the recent lame duck session. Proponents say both bills would have improved the accuracy of the property valuation calculation by prohibiting the consideration of some non-agricultural factors.

But with both measures stuck in their respective chambers as the lame duck session wound down, farmers are already looking toward the 132<sup>nd</sup> General Assembly with an eye to resuming the conversation.

In a statement, the union promised to "carry the CAUV fairness fight into 2017."

"While some committee chairmen and rural legislators went to bat for the CAUV bills pending in the House and Senate during lame duck, ultimately leadership in both Houses killed our efforts at reform," OFU spokesman

Ron Sylvester said.

OFU blames opponent testimony from school associations - including the Ohio School Boards Association, the Buckeye Association of School Administrators, and the Ohio Association of School Business Officials for derailing the legislation.

Those groups argued the bills would reduce local valuations for property valuations and shift the tax burden from agricultural to residential property owners.

"Once again, we have an over-reliance on local property taxes to fund our schools," Attorney Ted Finnarn said on behalf of the OFU. "And, we know this is unconstitutional under both our Ohio and Federal Constitution. Unless changes are made very soon, a school funding crisis is coming where rural school districts will not be able to pass their tax levies - even the renewals."

OSBA Director of Legislative Services Damon Asbury said the group is open and willing to speak with proponents regarding future legislation on the topic.

"We will definitely want to be involved and want to have conversations with the sponsors of the legislation and with the groups representing farmers," Mr. Asbury said. "We understand the challenges of CAUV and know there may well need to be some corrections. Our major concern with the last bill was even though it had been in the hopper for some time there had been limited discussion on the impact of that bill on other homeowners."

The bills' potential impact on revenue was another factor. HB398, for example, was projected to bring about revenue losses for local governments at \$17 million or more per year and school district loses at \$15 million or more, according to a fiscal analysis from the Legislative Service Commission. Such a proposition was also likely to drive up state spending by \$2 million a year without providing additional revenue, the analysis found.

Mr. Asbury said language including a transition time to insulate homeowners and school districts from financial losses could help make such bills more palatable. He said the groups felt the bills would have alleviated farmers at the expense of residential homeowners.

"The way Ohio taxation works is that if one tax payer's taxes are reduced, others go up to offset those changes," Mr. Asbury said. "So we certainly welcome the opportunity to talk with those who were in favor of the bill to see if there aren't some other ways to address the concerns."

Mr. Finnarn, though, said the concerns of school groups "ignored the fact that there has been a massive shifting of the tax burden to farm and woodland owners over the last few years with the higher CAUV values."

"Since the schools receive more funds locally from rural taxpayers and less from the state, we are right back where we were over 40 years ago before we had CAUV," he said.

#### Report Ranks Ohio Near Bottom Of 'Economic Freedom' Index

Ohioans spent a larger percentage of their paychecks on insurance and retirement payments than residents of any other state in 2014, according to a new report analyzing "economic freedom."

The 12<sup>th</sup> edition of the Economic Freedom of North America report, which was released by the Fraser Institute, ranked Ohio 38<sup>th</sup> in the country.

While Ohio's rank improved by two slots from the prior year, the Buckeye Institute, which compiled its own review of the report, highlighted a handful of policy changes the state could make to improve even more in the future.

According to the report, Ohio is 50<sup>th</sup> in the nation for the percentage of personal income spent on retirement and insurance, 49<sup>th</sup> for government spending and 40<sup>th</sup> for transfers and subsidies as a percent of income.

"Ohio's tax reforms over the last year have increased economic freedom in the state. However, Ohio remains well below the national average due to government spending and government subsidies," said Rea S. Hederman Jr., executive vice president of The Buckeye Institute. "The next Ohio budget needs to include provisions that protect prosperity and reduce government."

Emmalee Kalmbach, spokeswoman for Gov. John Kasich, countered the report's low ratings, saying that the governor has improved economic conditions for the state and its residents.

She touted Mr. Kasich's policies, saying they'll continue to be the backbone of the administration's proposals.

"Governor Kasich has worked over the past six years to restore fiscal stability to Ohio through common-sense budgeting and restrained spending," Ms. Kalmbach said in an email. "As a result, the state has seen improved credit outlooks, sustained budget surpluses and a record \$2 billion in emergency reserves."

"The governor will continue to focus on the same, proven conservative approach and the fiscal formula that we used to get Ohio back on track and to get our fiscal house in order earlier in this decade: Common-sense fiscal management, sound budgeting and conservative spending restraint," she added.

The report rankings, which are based on individuals' abilities to be involved in the state's economy without restrictions or regulations, show that Ohio needs to get out of the retirement and insurance arenas and stop providing tax breaks and subsidies to certain businesses, the Buckeye Institute suggested.

The state did see an improvement under the Fraser Institute's Economic Freedom Index from 38<sup>th</sup> to 24<sup>th</sup> in the country for income and payroll taxes and came in 11<sup>th</sup> place for top income tax rate thresholds.

Ohio is also above average in the country for the percentage of government employees as a total percentage of employment in the state, landing it in the report's 13<sup>th</sup> spot.

According to the institute, personal retirement and insurance payments that come out of individuals' incomes are pulling down the state's rating on government spending.

The report ranks New Hampshire the best state and New York the worst in terms of economic freedom.

Its authors said research has found that more economic freedom has been linked to higher per-capita incomes, economic growth and greater life expectancies.

#### Senate Releases 2017 Session Schedule

The Senate's session schedule for the first half of 2017 calls for the chamber to gradually increase its number of session days through June, when lawmakers are expected to finalize Gov. John Kasich's final biennial budget proposal.

Sen. Larry Obhof (R-Medina), who will become the president of the Senate in January, announced the chamber's first-half session schedule on Tuesday.

The calendar calls for up to three session days in January, four days in February, nine in March, four in April, seven in May and twelve in June. The calendar also includes a number of committee hearing days when the chamber is not expected to vote in full sessions.

Sen. Obhof also scheduled three if-needed session days for mid-July.

House Speaker Cliff Rosenberger (R-Clarksville) announced the House's session schedule earlier this month. (See Gongwer Ohio Report, December 15, 2016)

Agency Briefs: JobsOhio Compliance Report Issued; DSA; IG; Labor Force; Governor; ODNR; AG...

State Auditor Dave Yost Tuesday released the report of compliance and controls for JobsOhio.

The report was completed by the independent firm Deloitte & Touche LLP as part of an agreement between JobsOhio and the auditor's office. The auditor's office suggested what work should be performed and reviewed the report, while the independent firm performed the review itself.

The report does not include an opinion by either the auditor's office or Deloitte & Touche.

Most of the procedures the firm performed found no exceptions, but a few were noted, including a discrepancy of \$20.53 between a listed expense and the invoice for that expense.

Auditor Yost's office also released an audit of the village of Lincoln Heights in Hamilton County, which found the village made \$1,330 in child support and legal payments for a police officer who was no longer employed by the village.

The village covered the payments for former Officer Antwan Sparks and deducted the amounts from his pay, but the payments continued for a few months after he left his position in December 2013.

"Financially-strapped governments can't afford these kinds of costly mistakes," Auditor Yost said in a statement. "The village needs a better system of internal controls to filter out errors before tax dollars are wasted."

A finding for recovery of \$1,330 was issued against Mr. Sparks, with the village's income tax administrator jointly and severally liable because she approved the payroll that included the improper payments.

**Development Services:** The agency awarded \$22.8 million in Historic Preservation Tax Credits to 18 applicants for the rehabilitation of 33 historic buildings. The projects are expected to draw about \$225.6 million in private investment to their communities.

The awards help developers rehab buildings in downtowns and neighborhoods, and the developers are not issued the credit until the project's construction is finished and requirements are verified.

"A community's historic buildings make it unique," DSA Director David Goodman said in a statement. "Giving a building new life honors the history of the building, while creating construction jobs in the short term and opportunity for economic activity into the future."

**Labor Force:** The unemployment rate fell in 66 of the state's 88 counties in November from October, according to the state's labor force numbers. The rates ranged from a low of 2.8% in Mercer County to a high of 9% in Monroe County.

Nine counties saw jobless rates below 3.5%, according to the state. They were: Mercer, Holmes, Putnam, Delaware, Hancock, Auglaize, Madison, Union and Wyandot. Four counties had rates above 7%: Monroe, Noble, Meigs and Pike.

**Inspector General:** Randall Meyer released a report of an investigation of an employee at the Department of Transportation accused of using state resources to conduct outside business activities.

The investigation found Robert Schell, a surveyor employed at ODOT's Marietta office, engaged in work for his personal survey business during days and times he claimed to work for the state. Administrators also found him using the department's large format printer to produce maps unrelated to state business, and that 40 documents on his work computer involved his personal surveying business.

Personnel records showed Mr. Schell, who worked for ODOT for 30 years, was terminated for a similar problem in 1997. He resigned his position last year on the same day the inspector general conducted an interview with him.

**Governor:** John Kasich signed an executive order allowing the Bureau of Workers' Compensation to immediately amend rules related to the national Healthcare Common Procedural Coding System. The system adopted new codes, the order said, and the BWC does not have time to go through the full rulemaking process before the codes are required, so the order allows the bureau to implement them immediately. The order expires in 120 days or when the rules are formally adopted.

**Natural Resources:** The Division of Oil and Gas Resources reported a total of 2,330 permits have been issued for drilling in the Utica shale as of Dec. 17, up nine from a week earlier.

The division reported 1,873 wells have been drilled, with 1,472 in production.

**Attorney General:** Mike DeWine warned Ohioans to beware of overpayment scams during the holidays, in which a con artist pretends to overpay for something, such as by providing a counterfeit check or a fraudulent credit card, and asks the victim to return the extra amount immediately.

"Any time someone sends you a check and asks you to send a portion of the money back, there's a good chance it's a scam," Attorney General DeWine said in a statement. "We just warn people to be careful. Con artists are very good at what they do. They can be very believable, but take a minute to think about it before sending any money."

The AG's office said the scam usually targets businesses, charities and people who sell items online.

**Public Utilities:** The PUCO scheduled three public hearings in January regarding Aqua Ohio's proposed rate increase. The first is scheduled for Wednesday, Jan. 4, at the Ashtabula Township office in Ashtabula, the second for Thursday, Jan. 5, at Harding High School in Marion, and the third for Tuesday, Jan. 10, at the Ohio History Connection in Columbus. All three meetings are at 6 p.m.

Consumers can also comment at the PUCO's website or by mail addressed to 180 E. Broad St., Columbus, OH 43215. Comments should include the case number 16-907-WW-AIR.

**Ethics Commission:** Executive Director Paul Nick was chosen as the 2017 president for the Council on Governmental Ethics Law at its annual conference.

"Taking on this role - especially considering the confidence my management colleagues have placed in me - is a great honor and it is a privilege to further the work of the many state, local and provincial member organizations," Director Nick said in a statement.

COGEL is an organization of government ethics administrators in the U.S. and Canada.

Capitol Scene: Caputo, Kuhns Join Capitol Partners

Lobbyists Mike Caputo and Rebecca Kuhns have joined the Capitol Partners lobbying and consulting firm, the group announced on Tuesday.

Mr. Caputo will become a partner at Capitol Partners, and Ms. Kuhns will become vice president of government relations. They both worked most recently at McDonald Hopkins.

Mr. Caputo has logged 19 years of experience in lobbying, politics and government. During that time, he worked for two Ohio Senate presidents and was a deputy district director for former Gov. Bob Taft.

Ms. Kuhns has lobbied for a variety of clients since 2011. She has also served as legislative aide in the Ohio Senate and House.

"We are excited that Mike and Rebecca have joined our firm," said Matthew Cox, president of Capitol Partners. "Mike is a respected, connected and accomplished government affairs professional whose experience will benefit the firm and the clients we serve. Rebecca's deep knowledge of the state legislative process will

strengthen the firm's capacity and capabilities in the government relations arena. Together, Mike and Rebecca broaden the firm's footprint in both Cleveland and Columbus and enhance our ability to counsel and serve our clients."

Supplemental Agency Calendar

**Thursday, December 22**


**Elections Commission, 77 S. High St., East B, 31st Fl., Columbus, 10 a.m.**

17 S. High St., Suite 630

Columbus Ohio 43215

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Sarah LaTourette Kayser &lt;latoursm@gmail.com&gt;

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**NEWS UPDATE--House Speaker Announces Committees, Chairs**

1 message

**Gongwer News Service** <gongwerreports@gongwer-oh.com>

Thu, Jan 12, 2017 at 10:24 AM

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Thursday, January 12, 2017, 10:24 AM

**House Speaker Announces Committees, Chairs**

Speaker Cliff Rosenberger (R-Clarksville) on Thursday announced his slate of committees for the 132<sup>nd</sup> General Assembly along with chairs and vice-chairs.

As previously revealed by the chamber leader, the list of legislative panels includes a new Aging & Long-Term Care Committee. Also new is the Federalism & Interstate Relations Committee, and the speaker split the Judiciary panel into two focusing separately on criminal and civil justice.

The announcement follows the appointment of Rep. Ryan Smith (R-Bidwell) to again lead the Finance Committee.

Full committee memberships will be unveiled later this month.

The House committee list and chairs are:

**Agriculture & Rural Development**

Chair: Rep. Brian Hill (R-Zanesville)

Vice chair: Rep. Kyle Koehler (R-Springfield)

**Armed Services, Veterans Affairs and Homeland Security**

Chair: Rep. Terry Johnson (R-McDermott)

Vice chair: Rep. Laura Lanese (R-Grove City)

**Aging and Long Term Care**

Chair: Rep. Steven Arndt (R-Port Clinton)

Vice chair: Rep. Dorothy Pelanda (R-Marysville)

**Civil Justice**

Chair: Rep. Jim Butler (R-Oakwood)

Vice chair: Rep. Jim Hughes (R-Upper Arlington)

**Community & Family Advancement**

Chair: Rep. Tim Ginter (R-Salem)

Vice chair: Rep. Margy Conditt (R-Liberty Township)

**Community & Family Advancement Subcommittee**

Minority Affairs: Chair to be determined

**Criminal Justice**

Chair: Rep. Nathan Manning (R-North Ridgeville)

Vice chair: Rep. Jeff Rezabek (R-Clayton)

**Economic Development, Commerce & Labor**

Chair: Rep. Ron Young (R-Leroy Township)

Vice chair: Rep. Anthony DeVitis (R-Green)

**Education & Career Readiness**

Chair: Rep. Andrew Brenner (R-Powell)

Vice chair: Rep. Marilyn Slaby (R-Copley)

**Energy & Natural Resources**

Chair: Rep. Al Landis (R-Dover)

Vice chair: Rep. Christina Hagan (R-Alliance)

**Federalism & Interstate Relations**

Chair: Rep. Kristina Roegner (R-Hudson)

Vice chair: Rep. Scott Lipps (R-Franklin)

**Finance**

Chair: Rep. Ryan Smith (R-Bidwell)

Vice chair: Rep. Scott Ryan (R-Granville Township)

**Finance subcommittees**

Agriculture, Development and Natural Resources (Chair: Rep. Andy Thompson, R-Marietta)

Health and Human Services (Chair: Rep. Mark Romanchuk, R-Mansfield)

Higher Education (Chair: Rep. Rick Perales, R-Beavercreek)

Transportation (Chair: Rep. Rob McColley, R-Napoleon)

Primary and Secondary Education (Chair: Rep. Bob Cupp, R-Lima)

State Government & Agency Review (Chair: Rep. Keith Faber, R-Celina)

**Financial Institutions, Housing and Urban Development**

Chair: Rep. Jonathan Dever (R-Madeira)

Vice chair: Rep. Robert Sprague (R-Findlay)

**Government Accountability & Oversight**



Chair: Rep. Bill Blessing (R-Colerain Township)

Vice chair: Rep. Bill Reineke (R-Tiffin)

**Health**

Chair: Rep. Steve Huffman (R-Tipp City)

Vice chair: Rep. Theresa Gavarone (R-Bowling Green)

**Higher Education & Workforce Development**

Chair: Rep. Mike Duffey (R-Worthington)

Vice chair: Rep. Niraj Antani (R-Miamisburg)

**Insurance**

Chair: Rep. Tom Brinkman (R-Mt. Lookout)

Vice chair: Rep. Mike Henne (R-Clayton)

**Public Utilities**

Chair: Rep. Bill Seitz (R-Cincinnati)

Vice chair: Rep. Rick Carfagna (R-Genoa Township)

**Rules & Reference**

Chair: Speaker Clifford A. Rosenberger (R-Clarksville)

Vice chair: Rep. Kirk Schuring (R-Canton)

**State & Local Government**

Chair: Rep. Marlene Anielski (R-Walton Hills)

Vice chair: Rep. Stephen Hambley (R-Brunswick)

**Transportation & Public Safety**

Chair: Rep. Doug Green (R-Mt. Orab)

Vice chair: Rep. Dave Greenspan (R-Westlake)

**Ways & Means**

Chair: Rep. Tim Schaffer (R-Lancaster)

Vice chair: Rep. Gary Scherer (R-Circleville)

More details in today's Gongwer News Service *Ohio Report*.

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7/23/2018

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**Ohio Media Clips, Monday, January 23**

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## NEWS

**Ohio legislation would prohibit transit unions from striking (Associated Press, 1/23/2017)**

**Ohio legislative leaders plan Florida fundraisers (Associated Press, 1/23/2017)**

**Traffic cases reported to hotline from Ohio on the rise (Associated Press, 1/23/2017)**

**In Ohio jail, women willing to give Trump second chance (Cincinnati Enquirer, 1/23/2017)**

**Kasich attends Trump inauguration because ... (Cincinnati Enquirer, 1/23/2017)**

**Watching Trump in a suburban Cincinnati living room: 'I believe' (Cincinnati Enquirer, 1/23/2017)**

**4 things President Donald Trump said, and the challenges he faces (Cleveland Plain Dealer, 1/23/2017)**

**Here's why Ohio's Libertarians can't get their party name on the ballot (Cleveland Plain Dealer, 1/23/2017)**

**Ohioans join Women's March in Washington: Here's what they said (Cleveland Plain Dealer, 1/23/2017)**

**Presidential inauguration 2017: See U.S. Rep. Tim Ryan's reaction to Donald Trump's speech (Cleveland Plain Dealer, 1/23/2017)**

**Court: Husted legally denied party status to Libertarians (Columbus Dispatch, 1/23/2017)**

**Obamacare, Medicaid-expansion recipients in Ohio fear repeal (Columbus Dispatch, 1/23/2017)**

**Ohio BMV drops threat to cancel immigrants' licenses (Columbus Dispatch, 1/23/2017)**

**Prosecutors in Cleveland drop charge against man who burned flag at GOP convention (Columbus Dispatch, 1/23/2017)**

**Repeal of Obamacare without a replacement would increase US debt (Columbus Dispatch, 1/23/2017)**

**The Daily Briefing: Ohio charter school advocate wins job in Donald Trump's justice department (Columbus Dispatch, 1/23/2017)**

**Planned Parenthood receives donation in Butler County lawmaker's name (Dayton Daily News, 1/23/2017)**

**Right to Life march set for Kettering on Tuesday (Dayton Daily News, 1/23/2017)**

**Locals join Women's March on Washington (Toledo Blade, 1/23/2017)**

**Ohio colleges standing pat on gun rules (Toledo Blade, 1/23/2017)**

**President vows return of power to 'the people' (Toledo Blade, 1/23/2017)**

## **EDITORIALS**

**Oversight starts to improve charter schools. Who would have thought? (Akron Beacon Journal, 1/23/2017)**

**While Ohio lawmakers trade favors, federal lawmakers look to divert post-Obamacare costs to the states: Thomas Suddes (Cleveland Plain Dealer, 1/23/2017)**

**Editorial: Rules improving charter schools (Columbus Dispatch, 1/23/2017)**

7/24/2018

Gmail - Ohio Media Clips, Monday, January 23

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Sarah LaTourette Kayser &lt;latoursm@gmail.com&gt;

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**Ohio Report, Tuesday, January 24, 2017**

1 message

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## **OHIO REPORT TUESDAY, JANUARY 24**

**Governor: K-12 To Get 1% Annual Funding Increase In Upcoming Budget Plan**

**Victim Rights Constitutional Amendment Proposed For November Ballot**

**Auditor Yost Announces Bid For Attorney General**

**New Member Profile: Agricultural, Energy Issues Top Stein's Interests**

**Advocacy Groups Make Push For Funding, Policies In Budget**

**Brown, Senate Colleagues Unveil Proposal To Implement Trump's \$1 Trillion Infrastructure Pledge**

**Agency Briefs: Four Nominated For BWC Seat; Labor Force; DSA; OCJS; ODI; Aging; ODNR**

**Supplemental Agency Calendar**

**Supplemental Event Planner**

## **ACTIVITY REPORTS**

House

## CALENDARS

Day Planner

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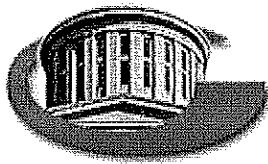
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**GONGWER** Ohio  
The Record of Capitol Square Since 1906

## House Activity for Tuesday, January 24, 2017

### HOUSE SPEAKER'S APPOINTMENTS

Capitol Square Review and Advisory Board: Speaker Rosenberger, Representative Celebrezze, and former Speaker of the House Jo Ann Davidson.

Controlling Board: Representatives Smith, R., Ryan, and Cera.

Transportation Improvement District, Board of Trustees of Meigs County: Rep. Edwards


Joint Education Oversight Committee of the House of Representatives and Senate: Representatives Patterson and Fedor.

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# GONGWER Ohio

The Record of Capitol Square Since 1906

Volume #86, Report #15 -- Tuesday, January 24, 2017

Governor: K-12 To Get 1% Annual Funding Increase In Upcoming Budget Plan

Primary and secondary education programs will see an annual 1% state funding increase in the administration's biennial budget, Gov. John Kasich announced Tuesday.

Despite the relatively modest increase, the governor said it's a sign that K-12 education is a priority in an otherwise "restrained" budget as the state faces revenue declines.

"We don't have any more money...but we have had a consistent increase in education over the last six years and we're going to have a second biennium and what we call a mid-biennium review and, if we get more revenue, then education will obviously be one of our priorities," he told reporters during a Statehouse event.

Education interests are likely to push for more funding given inflationary and contract-driven cost increases at the local level. And given the governor's continuing penchant for "tax reform" in budget bills, the proposed allotment will spur considerable debate - especially if the package includes an overall tax cut.

Second only to Medicaid funding, allocations to the Department of Education's line item totaled about \$15.5 billion over two years in the current state budget plan. His next and last biennial budget package is set for unveiling early next week.

Gov. Kasich's comments came during an event honoring schools that have undertaken innovative practices, with a focus on workforce integration and college and career preparation.

The governor told the school leaders he wished he could give them money to recognize their accomplishments, but joked that they'd have to settle for plaques while the budget is tight.

The schools that received those plaques include Bio-Med Science Academy, Cristo Rey Network, Dayton Early College Academy, Ginn Academy, Marietta City Schools, Marysville Local School District, and Toledo School for the Arts.

The governor spent nearly three hours viewing presentations from the schools and asking questions about how their programs work.

In his time in office, Mr. Kasich said he's learned that there are very few school policies that are scalable throughout the state, so it's important for school leaders to dedicate themselves to determining what works best for the students in their region.

What's also become evident, however is that "too much of what we're doing isn't working," he said.

Gov. Kasich has said often recently that a priority for the next two years and his final budget will be encouraging schools to connect with businesses to get high school students first-hand experience in careers they're interested in pursuing. In turn, more students can be prepared to meet the job needs of their regions, he said.

He alluded to a budget proposal that would clarify how schools can use flex credits with the goal of encouraging the creation of programs that place students in work environments outside the classroom where they can earn

school credits.

"We don't want to let education get in the way of learning," Gov. Kasich said, borrowing a phrase used often by a principal in the Westerville Local School District where his daughters are enrolled.

He touted the Cristo Rey Network model as one he'd like to see implemented more. The schools in Cincinnati, Cleveland and Columbus have partnerships with 400 businesses where students work in chosen fields during a portion of the school day and earn money that is used to pay school tuition.

Gov. Kasich said he'd be willing to reach out to businesses and ask for their support of the network. He also offered the state up as a partner for the schools, suggesting students could work at state agencies while in high school.

Research has shown the today's graduating students will hold as many as 10 jobs over their lifetimes, he said, so it's necessary for students to become skilled in navigating workplaces.

"I have to ask: are our schools preparing our kids in a real way? Are we getting them excited about education? Are we building resilience? Are we teaching them about the workplace? I'll let you think about that," he told the audience in the Statehouse Cabinet Room.

A common thread among all the schools being awarded was the importance of mentors that guided students throughout their high school careers.

The governor said his Community Connectors program, which has provided \$10 million in 3-to-1 matching grants to programs that provide role models to students, will get continued funding under his budget proposal.

#### Victim Rights Constitutional Amendment Proposed For November Ballot

Ohio voters could have the opportunity this fall to provide victims of crime and their families with additional legal protections.

Marsy's Law for Ohio on Tuesday announced plans to submit to Attorney General Mike DeWine a constitutional amendment summary for the Ohio Crime Victims Bill of Rights and the 1,000 signatures necessary to begin the process to place the issue on the November ballot.

The language would provide crime victims and their families the right to get notification of all legal proceedings and be heard at every step of the process. In addition, victims would have the right to give input on plea deals and receive restitution for the financial impacts of a crime.

"Marsy's Law will ensure crime victims receive equal protections and equal access to justice," Ohio Crime Victim Justice Center Executive Director Catherine Harper Lee said in a statement. "Far too many crime victims have been denied their most basic rights. Marsy's Law corrects this injustice by informing crime victims of their rights, the status of their cases and to receive notice of hearings that can impact their safety."

Ms. Harper Lee, along with Ohio MADD co-founder Andrea Rehkamp and Crime Victim Services Executive Director David Voth, delivered the documents to Mr. DeWine on Tuesday.

If the language of the constitutional amendment is approved by Mr. DeWine, the group will have until July 5 to collect the 305,591 valid signatures required to place the measure before voters in November.

Ms. Harper Lee said the proposed amendment will provide victims with rights they are currently being denied in some jurisdictions.

"One of the most important elements...is the enforceability factor. It now will be clearly articulated that crime victims have the right to assert their rights," she said in an interview.

The proposed changes to law will not impact the due process rights of defendants, Ms. Harper Lee said.

Ohio voters overwhelmingly approved a victim rights constitutional amendment 23 years ago. However, it has been largely "toothless," according to Marsy's Law for Ohio spokesman Aaron Marshall.

"There was an attempt in 1994 to provide protections for crime victims but there's no enforcement mechanism in there," he said.

The proposed constitutional amendment has the support of Franklin County Prosecutor Ron O'Brien and Columbus Chief of Police Kim Jacobs.

"As a prosecutor, I see firsthand the devastating impact crime has on victims and their families," Prosecutor O'Brien said in a statement. "Marsy's Law for Ohio will ensure that crime victims are treated with the respect, fairness and dignity they deserve."

"The Division of Police believes that keeping victims informed is beneficial to their resilience and their ability to navigate the criminal justice process, and Marsy's Law for Ohio provides the means to accomplish this," Chief Jacobs added.

John Murphy, executive director of the Ohio Prosecuting Attorneys' Association, said his group will discuss the proposal on Thursday along with its legislative agenda for the 132<sup>nd</sup> General Assembly.

If approved by voters, Ohio would follow in the footsteps of several other states that have approved Marsy's Law, including North Dakota, South Dakota and Montana. Voters in those three states approved a constitutional amendment in 2016. California and Illinois have also enacted the constitutional amendment.

The law is named after Marsy Nicholas, who was stalked and killed in 1983 by an ex-boyfriend. Following a visit to her grave, her mother and brother saw her accused murderer at a grocery store after he was released on bail without their knowledge.

Ms. Nicholas' brother, Henry T. Nicholas, who has amassed a fortune of more than \$1 billion as the CEO of Broadcom Corporation, is funding the campaign.

"In the coming weeks and months you're going to see strong support from people that work with crime victims every day," Mr. Marshall said.

#### Auditor Yost Announces Bid For Attorney General

Auditor Dave Yost on Tuesday formalized his long expected 2018 campaign for attorney general.

Mr. Yost in a press release cited combating human trafficking and the opioid epidemic and supporting law enforcement as top priorities if elected.

"As a former prosecutor, and as your Auditor of State, I have fought to find the truth and to bring forth justice," Mr. Yost said. "I will continue that fight as your Attorney General - in the courts or in City Hall, from the streets to the Statehouse."



Also Tuesday, Mr. Yost's campaign committee, Dave Yost for Ohio, beat next week's deadline in filing its annual campaign finance disclosure, showing it has \$1.084 million on hand. His campaign reported receiving more than \$483,000 in contributions and spending \$48,543 since July 20.

After the announcement, Mr. Yost's campaign website and Facebook page were quickly updated with a new logo featuring his campaign slogan, "Fight for Right." The campaign also separately filed an updated designation of treasurer form with the secretary of state's office.

**Dave Yost** With the announcement, Mr. Yost becomes the first announced candidate for the office and the second statewide official to declare for a 2018 contest. Treasurer Josh Mandel launched a bid in December for the seat of U.S. Sen. Sherrod Brown (D-Cleveland). (See Gongwer Ohio Report, December 7, 2016)

Mr. Yost is vying to succeed Attorney General Mike DeWine, who is term limited and thought to be eying a bid for governor in what is shaping up to be a potentially crowded Republican primary with other potential candidates including Lt. Gov. Mary Taylor, Secretary of State Jon Husted and U.S. Rep. Jim Renacci (R-Alliance).

Mr. Yost is in his second and final term as state auditor and had earlier contemplated a 2010 bid for AG before Mr. DeWine pursued the post.

Mr. Yost began his career as a newspaper reporter for the former *Columbus Citizen-Journal*. The attorney later spent eight years as a Delaware County prosecutor.

"I feel as if I've prepared my whole life for this job," Mr. Yost said. "As your Attorney General, I will never give up, and I will never give in - I will always fight for right."

Ohio Democratic Party Chairman David Pepper took a dim view of the Republican's announcement.

"Dave Yost seeking higher office is a slap in the face to the taxpayers, who are still looking for answers about how he's mishandled his current job, particularly when it comes to the Electronic Classroom of Tomorrow and the for-profit, online school industry," he said in a statement.

"ECOT has bilked Ohio taxpayers for millions of dollars by padding their attendance figures. Rather than cracking down, Auditor Yost rewarded their bad behavior, honoring ECOT with an award 'for distinction' and speaking at their graduation. Twice."

Cleveland attorney Steve Dettelbach, a Democrat and former U.S. Attorney, is also exploring a bid for AG.

New Member Profile: Agricultural, Energy Issues Top Stein's Interests

A year in a half ago, Rep. Dick Stein was looking back on a 40-year career and picturing his retirement.

"I was more likely to retire, work for my two sons that have a business and help them out a bit and play with the grandkids," the newly elected Norwalk Republican said in an interview. "But then this path was put in front of me."

Driven by a love of history - in particularly the experience of the founding fathers - Mr. Stein instead agreed to run for the 57<sup>th</sup> House District seat.



Dick Stein

"A lot of people were willing to take the time to basically put their life on hold to help build the country we have," he said of the founders. "For me this was an opportunity to try on the back end...to do that same thing, to try to make a difference to family and friends and the people of our state to hold government accountable."

He spent 40 years owning and operating a photography studio, which he credits with a level of community name recognition that helped him win the seat.

Now the 62-year-old freshman lawmaker - born on July 4, he notes - desires to play a key role in crafting agriculture and energy policy during the 132<sup>nd</sup> General Assembly.

One piece of that is an overhaul of the Current Agricultural Use Value tax. Farming groups have already indicated they'll push for a formula change this year after two bills on the topic failed to move in the 131<sup>st</sup>

General Assembly. (See [Gongwer Ohio Report, December 20, 2016](#))

"My understanding the biggest pushback currently has been from schools and they're worried they're going to lose funding because of a change in the formula," he said. "It looks to me like the farmers and the rural ag communities are at some point going to have to convince the schools that this is not going to hurt that, that who do you think supports your levies and local bond issues and so on and that they need to work together to find an arrangement."

In terms of energy, he said he'd like to see nuclear energy treated on the "same plane" as wind and solar in terms of carbon neutrality. And he'd like Ohio to embrace advanced nuclear technology, such as exploring the feasibility of molten salt reactors that can burn nuclear waste as fuel.

"It would seem to me if we could get Ohio to be willing to invest in that kind of research it would bring great job opportunities," he said. "We're not going to be bringing this cheap form of energy in the state in the next year or two. This is a 20-year project, but if you don't have the forethought and vision to start now to try and set into motion the conditions to allow research and development to take place then you're never going to get there."

Rep. Stein said he welcomes House Speaker Cliff Rosenberger and Senate President Larry Obhof's calls for an in-depth discussion this year to map the state's long term energy plans. But he also believes lawmakers should be cautious when making long-term plans given the uncertainty of President Donald Trump's administration.

"Let's see what the federal government does," he said. "For us to create policy based on the last eight years seems a little premature. Let's see what we do in terms of energy regulation, in terms of emissions, all those areas and let's build something based on that new paradigm."

Overall, Rep. Stein said he's a small-government conservative who questions the level of involvement of the federal and state government in local affairs.

"I'm more for local control, more for things happening closest to the people," he said. "Not that there aren't good things government needs to do that are bigger projects, whether it's highway programs, infrastructure. There are things you need state and fed government for but there are a lot of things we could be doing on a more localized level."

As far as the budget goes, he predicted that tackling the opioid crisis, helping small businesses and addressing the question mark of the future of Medicaid will all be among the issues posing tough choices to lawmakers.

One lesson he's already learned in his new role, he said, is that "there's a lot more gray in the world" as an elected lawmaker rather than a citizen "sitting at home hollering at the TV."

"There are no easy answers and all you've got to do is try to discern the best you can to do the right things for your community and your state to try to make people's lives better," he said.

Mr. Stein earned professional masters and craftsman degrees from the Professional Photographers of America. He and his wife, Patty, have two grown sons and are awaiting the birth of their seventh grandchild.

#### Advocacy Groups Make Push For Funding, Policies In Budget

With the unveiling of [Gov. John Kasich's](#) final biennial budget looming, advocacy groups continued to push Tuesday for their preferred policies.

While the state's GOP leaders are expected to continue pursuing tax cuts, Policy Matters Ohio pointed to investments the state could make in a variety of fields, including health care, education and transportation.

The PMO [report](#) said a \$75 million fund, mostly driven by federal money, could help meet demand for public transit. An investment of \$150 million per year in public childcare would open up slots for almost 10,000 more

kids in high-quality settings, the report said. Investing \$30 million per year to create 15 mental health and addiction centers with 240 new in-patient beds would help fight the drug crisis, per PMO.

"Investments like these are about Ohio's future," Policy Matters senior project director Wendy Patton said in a statement. "Whether it's treatment for addiction or public transportation, by systematically underfunding, we're eroding programs communities rely upon to function properly."

The report details a wide variety of programs and spending that the group said would improve the lives of Ohioans. Spending \$20 million per year to restore state cuts to children's services, according to PMO, could help counties deal with the rising number of children in the system.

"These are not radical suggestions. We are talking about basic programs communities need to function properly," Ms. Patton said. "If we invested to meet the needs of Ohio's families and children, the future would be brighter for all of us."

The pleas for more funding might not be heard in a budget cycle the governor has repeatedly said will be tight. With state revenue below expectations, Gov. Kasich's administration has cautioned that new spending will be tough to come by. (See [Gongwer Ohio Report, January 12, 2017](#))

On the education front, Philanthropy Ohio urged the governor, State Board of Education and the General Assembly to consider a number of proposals in an open letter and [set of briefing papers](#). The group called for the state to create a clear, comprehensive strategic plan for education in Ohio moving forward.

In a briefing paper on standards, for example, the group urges a focus on challenging standards and assessments. A paper on measures and accountability says the state should resist the urge to ease accountability standards. Another document on low-performing schools looks at ways to improve them.

"Philanthropy Ohio and its members look forward to partnering with Ohio's education policy leaders and stakeholders to identify a compelling statewide vision and strategic plan for education that promotes clear goals, strategies and metrics - and drives toward a cohesive, student-success oriented P-20 education ecosystem," President & CEO Suzanne Allen said in a statement. "We will leverage the successes from our portfolio of investments to help the state spread and scale solutions that work. We will remain vested partners in education. We owe our children nothing less."

The education aspect of the budget is likely to include debates over caps and guarantees (See [Gongwer Ohio Report, January 13, 2017](#)) and direct charter school funding (See [Gongwer Ohio Report, January 23, 2017](#))

On the health care front, the top concern remains what Congress will do with the Affordable Care Act. (See [Gongwer Ohio Report, January 19, 2017](#))

On that front, Voices for Ohio's Children on Tuesday applauded Gov. Kasich for speaking out in support of protecting Medicaid eligibility expansion, saying maintaining the funding from the federal level will improve health outcomes for Ohioans. (See [Gongwer Ohio Report, January 19, 2017](#))

"We have seen a historic high in the number of children with health insurance built in large part on the solid foundation of Medicaid, the Children's Health Insurance Program and the Affordable Care Act," CEO Brandi Slaughter said in a statement. "We encourage our elected leaders to consider all health reform proposals through the lens of how it will affect our children today and their ability to thrive in the future."

Ms. Slaughter encouraged the governor to continue seeking specifics of any plan to block grant Medicaid funding to the state.

"We know when children and families have access to quality health care, they do better in school and are more likely to excel in life. That's why we urge Gov. Kasich to continue being a clear leader and advocating for the health of our state's children and families," she said.

## Brown, Senate Colleagues Unveil Proposal To Implement Trump's \$1 Trillion Infrastructure Pledge

U.S. Sen. Sherrod Brown (D-Cleveland) and Democratic colleagues on Tuesday released a draft proposal to rebuild and repair America's aging infrastructure.

The proposal, the group said, is aimed at holding President Donald Trump to his campaign promise that he would invest \$1 trillion in American infrastructure. The president also pledged for those projects would be completed by U.S. workers and with American iron and steel.

"This blueprint would hold the President accountable for keeping that promise and we stand ready to work with him to make it a reality," Sen. Brown said.

The senator, in a conference call with reporters, cited data that found a quarter of Ohio's bridges are structurally deficient or functionally obsolete. And 45% of the state's major urban highways are congested and causing drivers \$3.6 billion a year in additional repairs and operating costs for their vehicles, he said.

Ohio is home to the fourth largest interstate system in the country and about \$14 billion is needed to keep wastewater system in shape over the next two decades, he said.

"This problem is also an opportunity," Sen. Brown said. "We have a chance to put Ohioans to work across the state rebuilding bridges and roads, eliminating lead from older homes, upgrading our water and public transit systems, building broadband networks across the state."

Youngstown Mayor John McNally, who joined Sen. Brown on the call, said he supports a large investment in infrastructure, adding that city leaders "struggle on a daily basis to maintain a sewer and water system."

"We have 1,100 lane miles we have to maintain on a yearly basis," he said. "Over the past three years we've been able to piece together and patch together roadway improvements of about \$31 million but we have a lot of work to do."

Sen. Brown said lawmakers want to pay for the investment through real dollars, as opposed to "gimmicks" like tax cuts.

"We just want to pay for it," he said. "The best way to pay for it is to close those loopholes that allow jobs to move overseas."

Sen. Brown did welcome news that Mr. Trump, in executive orders Tuesday greenlighting the Keystone XL and Dakota Access pipelines, mandated the projects use American steel and workers "to the maximum extent possible."

That's in line with Sen. Brown's recent "Buy American" bill. Sen. Brown last week wrote to President Trump requesting he prioritize the issue for all taxpayer-funded infrastructure and public works projects. (See Gongwer Ohio Report, January 20, 2017)

"I'm pleased that he's making the right moves on Buy America, but it needs to be much broader and deeper," Sen. Brown said. "But I understand he's been in office three days."

Still, Sen. Brown said his concerns over Mr. Trump's past business practices haven't been alleviated.

"I know this is the same president that outsources many jobs on the suits he sells and the ties he sells and the glass and the tableware," Sen. Brown said. "So I don't know what to think."

Agency Briefs: Four Nominated For BWC Seat; Labor Force; DSA; OCJS; ODI; Aging; ODNR

The Bureau of Workers' Compensation Nominating Council sent four names to Gov. John Kasich Tuesday to fill a vacant seat for an investment professional.

Those nominated were Mark Klein of Defiance, president and CEO of the State Bank and Trust Company; Paul Peltier Jr. of Marysville, director of Foreside; Robert Smith of Westlake, chairman and CEO of Spero-Smith Investment Advisers; and Fred Treuhaft of Toledo, president and CEO of Treu Advisors.

Gov. Kasich has 10 days to make an appointment or request more nominations, according to BWC.

The new board member's term would start immediately and run through June 11, 2018.

**Labor Force:** The unemployment rate rose in 81 counties in December, fell in four and stayed constant in three, data released by the state show.

Mercer County had the lowest jobless rate in December at 3.1%, joining Delaware, Holmes and Hancock with rates at or below 3.5%.

Monroe County had the highest rate of unemployment at 9.6%, with Noble, at 8.6%, Morgan, at 7.9%, and Ottawa, at 7.5%, as the other counties at or above 7.5%.

**Development Services Agency:** Small businesses are sought to contract with the U.S. Army Engineering and Support Center, Base Operations program, the agency announced Tuesday.

The 88th Regional Support Command is currently seeking small businesses that can offer janitorial, facilities support, landscaping or solid waste collection services to hundreds of locations across 19 states. Millions in contracts will be awarded, according to DSA.

The U.S. Army Corps of Engineers is sponsoring a virtual industry day Feb. 2 to inform and assist small businesses interested in federal contracting for the 88th RSC.

The virtual day is sponsored in collaboration with the Ohio Procurement Technical Assistance Centers, which encourage "Ohio small-, veteran-, women-, minority-owned, HUBZone and 8a-certified businesses" interested in submitting a proposal to attend the free, virtual webinar.

PTAC will be hosting viewing events for the webinar in cities across Ohio and to offer support.

**Office Of Criminal Justice Services:** The Hebron Police Department in Licking County has been awarded certification for implementing new state standards to improve community and police relations, OCJS reported.

Over 330 agencies and approximately 18,000 officers are certified or are pursuing certification under the new standards for use of force - including deadly force - and agency recruitment and hiring.

The Buckeye State Sheriffs Association and the Ohio Association of Chiefs of police have been partners in the state's efforts to certify approximately 1,000 law enforcement agencies based on the new standards.

More information is available on the Ohio Collaborative website.

**Department of Insurance:** Agency Director and Lt. Gov. Mary Taylor announced that Tuscarawas County resident Tiffany Frame has been sentenced for committing insurance fraud.

The ODI investigation uncovered that Ms. Fame was reimbursed for medical care that no one in her family received.

Ms. Fame's sentence includes two years of community control supervision, orders to complete 250 hours of community service, and orders to pay more than \$21,000 in restitution.

**Aging:** The deadline to nominate an outstanding Ohioan for induction into the 2017 Ohio Senior Citizens Hall of Fame is Feb. 6.



Nominees must be 60 years or older, native-born Ohioans or residents for at least 10 years. Contenders are assessed based on the impact of their efforts begun or sustained after age 60.

John and Annie Glenn, Earle Bruce, Rocco Scotti, Paul Newman and Bob and Jewell Evans are among the 450 other Ohioans recognized in the Ohio Senior Citizens Hall of Fame.

More information is available on the [agency's website](#).

**Natural Resources:** The agency announced that a new vehicle license plate featuring a northern cardinal is available to purchase from the Ohio Bureau of Motor Vehicles.

Each plate costs \$25 plus the yearly registration fee, \$15 of which will be donated to the Wildlife Diversity Fund to support ODNr's Division of Wildlife initiatives.

Supplemental Agency Calendar

## **Wednesday, January 25**

**Attorney General's Advisory Group on Unmanned Aircraft Systems, Ohio Peace Officer Training Academy, 1650 State Route 56 SW, London, 11:30 a.m.**

## **Thursday, January 26**

Educator Standards Board, 8405 Pulsar Pl., Columbus, 6 p.m. (Ohio Teacher Evaluation System Discussion)

## **Friday, January 27**

Educator Standards Board, 8405 Pulsar Pl., Columbus, 8:30 a.m. (Ohio Teacher Evaluation System Discussion)

Medical Marijuana Advisory Committee, Rm. South B&C, 31st Fl., 77 S. Broad St., Columbus, 10 a.m.

## **Wednesday, February 1**

Graduation Requirements Workgroup, 25 S. Front St., Columbus, 4 p.m.

## **Wednesday, February 15**

Graduation Requirements Workgroup, 25 S. Front St., Columbus, 4 p.m.

Supplemental Event Planner

## **Tuesday, January 31**

Deadline for filing 2016 annual campaign committee reports

## **Tuesday, March 7**

Rep. Steve Arndt (R-Port Clinton) fundraiser, deNOVO Bistro, 150 S. High Street, Columbus, 5 p.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Friends for Steve Arndt)

## **Wednesday, March 15**

Rep. Marlene Anielski (R-Walton Hills) fundraiser, OHROC, 21 W. Broad Street, Floor 7, Columbus, 11:30 a.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Friends of Marlene B. Anielski)

### **Thursday, May 18**

Rep. Rick Perales (R-Beavercreek) golf outing fundraiser

### **Thursday, May 25**

Rep. Rob McColley (R-Napoleon) golf outing fundraiser

### **Friday, June 9**

House Speaker Cliff Rosenberger (R-Clarksville) golf outing fundraiser

### **Monday, June 26**

Rep. Dorothy Pelanda (R-Marysville) golf outing fundraiser

### **Thursday, July 20**

Rep. Craig Riedel (R-Defiance) golf outing fundraiser

### **Friday, July 21**

Rep. Tom Patton (R-Strongsville) golf outing fundraiser

### **Thursday, July 27**

Rep. Scott Wiggam (R-Wooster) golf outing fundraiser

### **Monday, July 31**

Rep. Scott Ryan (R-Newark) golf outing fundraiser

### **Monday, August 14**

Rep. Mike Henne (R-Clayton) golf outing fundraiser

### **Thursday, August 17**

Rep. Keith Faber (R-Celina) golf outing fundraiser

### **Thursday, August 24**

Hamilton County GOP State Legislators golf outing fundraiser


### **Tuesday, October 3**

OHROC Chairman's Cup golf outing fundraiser

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## Daily Activity Planner for Wednesday, January 25

### Legislative Committees

**House Session** ([Committee Record](#)) (Chr. [Rosenberger, C.](#), 466-3357), House Chamber, 1:30 p.m.

**Senate Session** ([Committee Record](#)) (Chr. [Obhof, L.](#), 466-4900), Senate Chamber, 1:30 p.m.

**Joint Education Oversight Committee** ([Committee Record](#)) (Chr. [Hite, C.](#), 466-8150), Rm. 121, Statehouse, 2:30 p.m.  
or after session

- Administrative & personnel matters

### Agency Calendar

**School Employees Retirement System**, Suite 100, 300 E. Broad St., Columbus, 8:30 a.m.

**Board of Building Standards**, Training Rm. 3, 6606 Tussing Rd., Reynoldsburg, 9 a.m.

**Arts Council**, 30 E. Broad St., 33rd Fl., Columbus, 10 a.m.

**Attorney General's Advisory Group on Unmanned Aircraft Systems**, Ohio Peace Officer Training Academy, 1650 State Route 56 SW, London, 11:30 a.m.

**Public Utilities Commission of Ohio**, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

### Event Planner

**Auditor Dave Yost news conference on tool for local governments and fiscal stress**, Harding Briefing Rm., Statehouse, Columbus, 11 a.m.

**Unveiling of portrait of former Senate President Keith Faber**, Statehouse Atrium, Columbus, 12 p.m.

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**Ohio Report, Thursday, January 26, 2017**

1 message

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## OHIO REPORT THURSDAY, JANUARY 26

**Kasich Unveils Portions of Transportation Budget; Research Center To Get Funding; Initial Hearings Set**

**Court Ruling Again Puts Upcoming Executions On Hold**

**Nominating Council Submits Five Finalists To Kasich For Two PUCO Seats**

**OSFC's Goals Include Automation, Reducing Project Closeout Backlog**

**Group Gives Ohio Low Marks In Tobacco Control Report**

**Politics Notebook: Husted Responds To Trump's Call For 'Major' Voter Fraud Probe; Union Reacts To Labor Report...**

**Sherwin-Williams Posts Yearly Sales Jump; Abercrombie Makes Corporate Cuts; AEP Operating Earnings Increase...**

**Governor's Appointments**

**Supplemental Agency Calendar**

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